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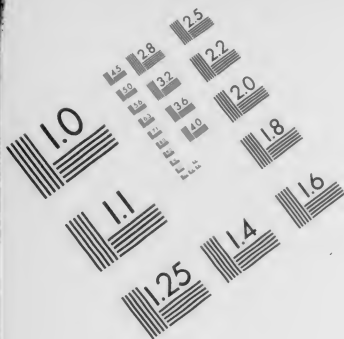
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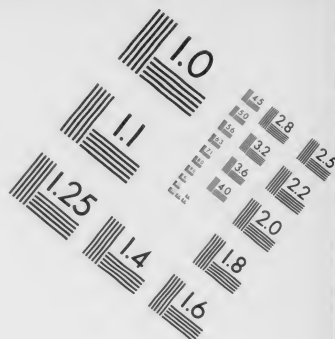
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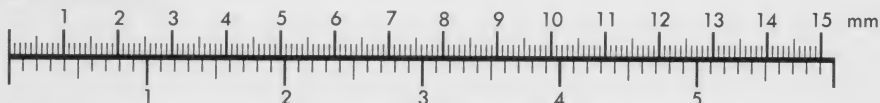
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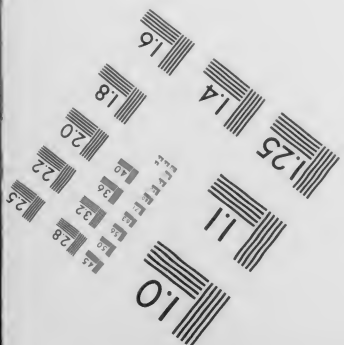
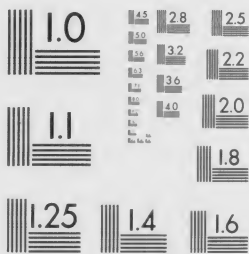
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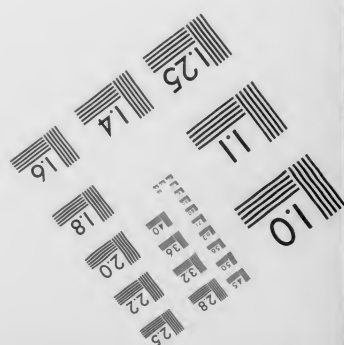
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THE  
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DURING THE REIGN OF  
*QUEEN ANNE.*

THE  
HISTORY  
OF  
GREAT BRITAIN

DURING THE REIGN OF

*QUEEN ANNE.*

WITH

A DISSERTATION concerning the DANGER of the  
PROTESTANT SUCCESSION;

And an APPENDIX, containing ORIGINAL PAPERS.

BY

THOMAS SOMERVILLE, D.D. F.R.S.E.

ONE OF HIS MAJESTY'S CHAPLAINS IN ORDINARY,  
AND MINISTER AT JEDBURGH.

LONDON:

Printed for A. STRAHAN; and T. CADELL Jun. and W. DAVIES, in the Strand.

1798.

TO THE  
K I N G.

(BY PERMISSION.)

SIR,

THE History of the Reign of QUEEN ANNE exhibits illustrious examples of the spirit and strength of Great Britain, in controlling the exorbitant power and ambition of France.

The importance of this subject, and the labour which I have bestowed to render it interesting and useful, are the grounds of my aspiring to the distinguished honour of inscribing the following Work to Your Majesty.

The record of past exertions, crowned with success, invigorates the public mind in the season of impending danger.

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From



## D E D I C A T I O N.

From the inherent vigour of the British Constitution, and the increase of national resources, conjoined with Your Majesty's personal virtues and firm administration, your loyal subjects are encouraged to hope for the successful issue of the arduous contest in which they are now engaged, in defence of their most valuable and sacred rights.

That Your Majesty's counsels and arms may be favoured by the Supreme Ruler of Events, and made effectual to secure the independence and happiness of the British Empire, is the fervent prayer of,

S I R,

Your MAJESTY's most loyal Subject, and

most obedient humble Servant,

THE AUTHOR.

JEDBURGH,  
Sept. 26, 1798.

T H E

## P R E F A C E.

THE Reign of QUEEN ANNE comprehends a greater variety of interesting events than any period of the British history of equal duration. Though many volumes upon this subject are already in the hands of the Public, there is still opportunity for resuming it with the prospect of promoting useful instruction.

The accounts of this reign, written by contemporary authors, are often rendered tedious and unpleasant from the intrusion of occurrences, which are frivolous and uninteresting in our own day. The frequent and abrupt transitions from one subject to another, occasioned by a strict adherence to chronological arrangement, destroy that unity and connexion, which are essential to the clearness and dignity of genuine history. But what, above all, renders the earlier histories of this reign exceptionable, is their being tinged with the party spirit, which then arose to the highest pitch of intemperance and malignity. Nor are later authors entirely free from these objections; some have servilely followed the track of their predecessors; and none perhaps have obtained sufficient information for correcting their mistakes, and supplying their defects.

After the most careful perusal of all the printed materials relating to my subject, and a large store of original papers which have not been seen by former writers, I have attempted to present to the Public an exact, impartial, and connected detail of the most important events and transactions during the Reign of Queen Anne.

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A short description of the manuscripts, which I have consulted, cannot fail to impress the reader with a high idea of their value, while it affords me a pleasing opportunity of expressing my warmest gratitude to the persons, who have honoured me with their patronage.

To her Grace the Duchess of Buccleugh, I am indebted for the use of many volumes of original Manuscripts collected by the Duke of Shrewsbury, containing several state-papers, and some hundred letters, mostly political, and written by persons, who were conspicuous actors in public life, during the reigns of King Charles II. King James II. King William, and Queen Anne.

The Earl of Hardwicke, upon my design being communicated to him, with a frankness which enhances every favour, transmitted to me copies of Letters from the Earl of Godolphin, Mr. Harley, Lord Halifax, and the Duke of Marlborough, which made a part of the Collection of the late Earl of Hardwicke, who was himself distinguished as an example and patron of literary research. The Letters of the Earl of Godolphin and Mr. Harley give an insight into the disputes of the cabinet, which produced the changes in administration at the end of the year 1707; those from Lord Halifax refer to his embassy to the court of Hanover in 1706, and the project of the barrier treaty; the Duke of Marlborough's, dated 1711, to the state of the war, and the defence of his own conduct.

The Townshend, Orford, and Walpole Papers, have furnished me with a variety of authentic documents concerning important transactions, both in England and on the continent.

The Townshend Papers contain almost the whole correspondence, between the British cabinet and the plenipotentiaries, relative to the negotiations at the Hague 1709, and at Gertruedenberg 1710; and to the scheme and progress of the barrier treaty. They contain also a part of the correspondence between Mr. St. John, Lord Townshend,

Townshend, Mr. Boyle, and Lord Dartmouth, upon the subject of the armed neutrality, and the conduct of the allies during the war; and, occasionally, illustrate coincident political transactions.

The Orford and Walpole Collection consists of extracts from the journals of the residents at foreign courts, and several of their letters, disclosing circumstances respecting the state of the confederacy, and the temper and interests of its members, which have not hitherto been known or attended to. The letters of Generals Stanhope, Carpenter, and Wade, and extracts from their journals in Spain, also included in this collection, throw great light upon military affairs in that quarter.

For the communication of the extracts and letters from the Orford and Walpole Papers, I am entirely indebted to the kindness of the Reverend William Coxe, whose literary merits have long stood high in the public esteem. Having heard accidentally of my being engaged in writing the History of the Reign of Queen Anne, from a partiality extremely flattering to me as an author, in which character alone I was known to him, he voluntarily offered me every assistance in his power to forward my undertaking; and, with the consent of the noble proprietors, sent me the above-mentioned papers, which he had collected among the materials for his Memoirs of Sir Robert Walpole. He has also favoured me with copies of a few letters from the Earl of Peterborough, written from Vienna and Venice in 1711; and anecdotes and miscellaneous papers, which have been useful in the prosecution of my design. Superior to that mean, engrossing spirit, which often debases persons who are ambitious of literary fame, my liberal friend, in the course of a long correspondence, has imparted to me every information conducive to the improvement of my work, with as much zeal and anxiety as if his own reputation and interest had been involved in my success.

To the late Sir John Clerk of Pennycuik, I owe great obligations for access to the Manuscripts composed by his grandfather, Sir John Clerk.

Clerk. Sir John was a member of the Scottish parliament at the time of the union; and devoted himself, with assiduous application, to the study of the momentous questions then in agitation. To the accomplishments of a scholar and antiquary, he added an accurate knowledge of the history and constitution of Scotland. He was highly esteemed and much consulted by the Duke of Queensbury, her majesty's commissioner in the Scottish parliament; and published some excellent treatises for explaining the scheme of the union, and refuting the objections of its ignorant and factious opposers. Besides these publications, Sir John left several valuable manuscripts. Those which I have inspected, as particularly suitable to my purpose, are short journals of the proceedings of the Scottish parliament while the union was depending; observations on Lockhart's Memoirs; and a testamentary memorial for the instruction of his own family, giving a concise and perspicuous account of the treaty; and, after the experience of more than thirty years, comparing its effects with the presages and expectations, both of its abettors and opposers, at the time of its formation. From these materials, fraught with private anecdotes, and marked descriptions of the conduct of parties, and the characters and intrigues of their leaders, I am able to treat of Scottish affairs with greater precision and certainty than former historians, who, for want of better sources of information, have implicitly relied upon annals and memoirs, of which the authors are unknown.

To obtain the purest information concerning parliamentary proceedings in Scotland, I have had recourse to the original records in the Register Office at Edinburgh; and for an account of ministerial transactions there, to the minutes of the Scottish privy council, deposited in the office of the judiciary court. With respect to important state affairs of both kingdoms, I have been furnished with copies of the original vouchers from the Paper Office in London.

It was my first intention to have selected, from the mass of papers which have been put into my hands, such as appeared more instructive and entertaining, and to have published them in a separate volume, under the following arrangement; namely, the first part to have contained papers relative to the period of which I formerly treated, in the History of Political Transactions and of Parties during the Reign of King William; the second, to have contained vouchers, of a more interesting nature, tending to illustrate the facts and events recited in the following work; and the third, Letters both on political and miscellaneous subjects, written by persons who made a distinguished figure in the three reigns preceding that of Queen Anne. From the times being so unfavourable to literary productions, I am under the necessity, after much fruitless labour, to relinquish this plan, and to confine myself to the publication of a few original papers, of the second description, in the Appendix at the end of this volume. Some of these papers are connected slightly, and by periodical coincidence alone, with the part of the work in which I have referred to them, but are deserving of attention on account of the light which they throw on the general history, and the characters of persons of eminent rank and abilities.

In the following volume, I have entered into the discussion of Irish affairs chiefly as they are associated with the political history of Great Britain. The late Lord Mountmorres, whose favourable opinion and kind dispositions towards me laid me under the deepest obligations of gratitude, offered his joint researches, to render the Irish history more various and complete. As my manuscript was ready for publication when he made me this offer, and the communications, which he did me the honour to transmit, related to the history of Ireland, prior to the reign of Queen Anne, I was precluded from the advantages which, in other circumstances, I might have derived from his Lordship's correspondence.

Military events form so large and splendid a part of the English history at the beginning of this century, that I have found it difficult to restrain my accounts of them within the limits consistent with the plan of a general history.

I have stated, at the beginning of each campaign, the principal circumstances, affecting the grand alliance and the force of the belligerent powers. I have shortly mentioned their operations in every quarter, and those of the British army more fully; and endeavoured to give such a description of the principal occurrences of the war in each successive campaign, as will enable the reader to estimate the balance of success at the close of it. From the limitations and restrictions, observed in conducting this branch of my history, the intermediate movements and manœuvres of the contending armies are often necessarily omitted; and great events, which are divided by a wide interval of time and place, follow in immediate succession in the narrative. This imperfection, the reader will therefore impute, not to ignorance or carelessness, but to a studied compression, in order to adjust, in due proportion, the details of the complicated and diversified facts, which belong to the period of which I treat.

Sensible of the disadvantages under which I labour, in prosecuting a branch of history foreign to my line of study and habits, I should have been more fearful about its reception with the Public, had it not been submitted to the inspection of some of my friends of eminent military as well as literary talents, who have expressed their favourable opinion of its execution; and suggested amendments and additions, which have essentially contributed to the accuracy and improvement of this part of my work.

To approach as near as possible to that impartiality which is the prime excellence of history, I have employed every expedient for enabling me to estimate the characters of the several authors whom I have cited as vouchers of my facts. I have traced the connexions, patrons, private characters, and party bias of such as have written

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the history of their own times: I have attentively collected in my common-place book all the circumstances, tending to suggest suspicion concerning the testimony of contemporary authors, either in general or in particular instances; and I am not conscious of having admitted any fact relative to party affairs, upon the word of a party writer, without collateral evidence. I have embraced every opportunity to obtain intelligence from persons, whose local residence afforded them the best opportunity of information, concerning the credit of foreign historians who have treated of continental transactions during the reign of Lewis XIV.

From the limited nature of this work, I have often found it necessary to state an opinion, simply, concerning contraverted points, without giving the arguments upon which that opinion is founded; but, in this case, I have marked the several authors by whom they are recorded, that the inquisitive student in history may compare them, and reject, or approve, according to his own judgment. This is a part of the labour of the historian little obvious to the public eye; I trust, however, that the attentive reader, in the course of perusing the following history, will find sufficient ground for believing, that it has not been hastily, or superficially composed. Some may perhaps think that my industry has been superfluously minute, upon being informed, that the books and pamphlets, which I have read for the purpose of obtaining complete information on my subject, amount to triple the number cited in this work. I have been fortunate enough, from the access I have had, not only to the public libraries and repositories, but to some of the best furnished private libraries, to find, with a very few exceptions, all the pamphlets and periodical publications relative to the contests of parties, and to affairs of state, during the reign of Queen Anne. This is a source of information by no means to be slighted. Periodical publications mark the genius and spirit of the times; they descend to private anecdotes which escape the notice of general history, and sometimes make the

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reader

reader acquainted with minute incidents, which materially affected the state of public affairs.

Having discovered several inaccuracies, and met with frequent disappointments, upon tracing the authorities, cited by the histories which I have perused, I have thought it my duty to specify the volume, page, and, in the first citation, the edition of the books to which I refer my readers.

After the fairest pretensions to care and industry, I must still rely upon the indulgence of the Public, to make allowance for inaccuracies and mistakes, unavoidable in a work of such compass and difficulty.

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☞ *When a reference is made to any of the Papers contained in this Volume, the word Appendix is printed in Italics.*

# ERRATA.

- Page 28. line 7. *after who and after granted add a comma*  
 36. — 19. *after winter read and*  
 41. — 10. *note, after Pracontal put a comma*  
 62. — 13. *for right read left*  
 73. — 14. *for run read ran*  
 90. — *penult. note, after them read from*  
 170. — 14. *for speaker read speakers*  
 173. — *ult. note, after X. add XI.*  
 192. — 2. *for month scels read months cels*  
 194. — 4. *note, for reformation read restoration*  
 230. — *note, for Appendix read Appendix*  
 258. — *ult. note, for Shrewsbury read Shrewsbury. MSS.*  
 267. — 7. *note, for ords read lords*  
 270. — 12. *for run read ran*  
 273. — 8. col. 2. *note, after his add concern for*  
 302. — 5. *for simliar read similar*  
 323. — 2. *note, delete Walpole Papers.*  
 342. — *note, after XXV. add XXVI.*  
 360. — 7. *delete all that follows after 1709-10.*  
 388. — 6. col. 2. *note, for Catolonia read Catalonia*  
 397. — 8. *for numbers read number*  
 427. — 1. *note, for being read been*  
 441. — *ult. note, after XXXI. add XXXII.*  
 462. — *ult. note, after 43. add Appendix, N° XXXIII. XXXIV.*  
 472. — 9. *note, for diltions read distinctions*  
 490. — 13. *after arms add for four months*  
 496. — *ult. note, for Appendix, N° XXXIII. read XXXV.*  
 533. — *ult. reference <sup>17</sup> in line 18 to be placed after motives*  
 552. — col. 2. *note, for Appendix, N° XXXIV. read XXXVL*  
 575. — 22. *for ha read had*  
 618. — 1. *after Harley add to Lord Godolphin*

# THE HISTORY OF GREAT BRITAIN DURING THE REIGN OF QUEEN ANNE.

## CHAP. I.

*Accession of Queen Anne.—Uneasy Apprehensions of the Whigs and Allies on account of her Partiality to the Tories.—Official Arrangements.—The Queen adheres to the Engagements of the late King with the Emperor and the United States.—Influence of the Earl of Marlborough.—He is sent Ambassador to the Hague.—Convention there.—Declaration of War against France.—Proceedings of Parliament.—Incidents disrespectful to the Memory of King William— which is vindicated by the Lords.—Parliament dissolved.—Reasons assigned by the Confederates for declaring War against the French King.—Comparative View of the Strength and Resources of France and of the Confederates.— Campaign 1702.—Siege of Keyserfewert.—Motions and Success of Marshal Boufflers.—Landau taken by the Prince of Baden.—Motions of the Duke of Marlborough.—Towns taken by him.—The Elector of Bavaria takes an open Part for France.—Surprises Ulm.—Consequences of his joining France.— Motions of the Prince of Baden.—Battle of Fridlinguen.—Farther Success of the Elector of Bavaria,—and of the Count Tallard.—Circumstances unfavourable to the Allies in Italy.—Motions of Prince Eugene,—and of the Duke of Vendosme.—Battle of Luzarra.—Unsuccessful Attack of Cadiz by the Allies.*

THE succession of the princess Anne, agreeably to the act of CHAP. I.  
 settlement, not only took place without any opposition, but  
 gave general satisfaction to the nation'. The reserved manners of  
 1702.  
 8th March.

<sup>1</sup> Queen Anne was born on the 6th Fe- Denmark 28th July 1683, and ascended the  
 bruary 1665, married to prince George of throne 8th March 1702.

B

king

CHAP. I. king William, and his natural predilection for a foreign country, had relaxed the attachment of his British subjects, and impaired that respect which was justly due to his illustrious character and merits. The love of novelty, the royal descent, and private virtues of the new sovereign, revived a spirit of loyalty, and warmed the affections of the people.

The accession of the queen was considered as unpropitious to the interest of the Whigs, and to the prosecution of those designs of the confederacy, which had been approved of by her predecessor. She had imbibed an early partiality for the Tories, under the tuition of Compton, the bishop of London, which had been confirmed by their adherence to her interest, and their successful efforts in procuring for her, while heir apparent to the crown, an independent revenue, contrary to the inclinations of the king and her sister. Anxious for upholding the royal authority, she looked with an eye of jealousy upon that party, which she had been taught to suspect of having formed a systematic plan to enervate its force, and limit its prerogatives.

The vigorous concurrence of the court of England was necessary to ensure the stability of the grand alliance, and to render it effectual for the purposes of its formation. But as a passion for military glory ill accorded with the feelings of a female sovereign, it was not to be expected that she could enter heartily into that system of continental measures, which had been so interesting to the late king, from the influence of local prejudice and motives of personal aggrandizement. Although the resources of England should now be employed agreeably to his destination, it seemed impossible to supply those singular advantages, which resulted from his experience, his personal courage and activity, and his ardent zeal in the execution of every plan tending to curb the ambition of the French king.

The official arrangements, now made by the queen, justified the apprehensions of the Whigs; the principal places, civil and military,

<sup>2</sup> Conduct of the duchess of Marlborough, *passim*, Lond. 1742. Memorial of the State of England, Somers, xii. p. 139.

were conferred upon their antagonists<sup>1</sup>. Lords Somers and Halifax, who had been distinguished by the confidence of king William, were dismissed from the privy council; and it was suspected, that, in the progress of change, all the persons, who had been patronised by the Whig administration, would be deprived of every favour dependent on the court. Under their present depression, the Whigs were not without a gleam of hope, while the allies were completely relieved from their anxiety, by the resolution of the court to adhere to the engagements of the late king, and to prosecute the war with vigour against the united power of France and Spain. In her declarations to the privy council and to the parliament, the queen expressed her full conviction of the necessity of making military preparations, and giving the most effectual aid to Holland and the emperor, for resisting the usurpations of the French king.

There were certainly many strong arguments for restraining that precipitancy of determination with which England rushed into the war; and which ought to have suggested such reserve and precautions, as might, without violating the honour of king William, have prevented the extravagance with which it was carried on, and perhaps have brought it to a more speedy conclusion. But the general desire of the nation, the state of parties, and the private influence of a family, which the sovereign, at this time, was incapable of resisting, not only diverted her attention from pacific counsels, but induced the administration to prepare for hostilities with an ardour,

<sup>1</sup> The prince of Denmark was appointed generalissimo of all her majesty's forces by sea and land; the privy seal was given to the marquis of Normanby; the chancellorship of the duchy of Lancaster, to sir John Levison Gower; the earl of Nottingham and sir Charles Hedges were appointed secretaries of state; the duke of Devonshire, lord steward; the earl of Jersey, lord chamberlain; the earl of Bradford, treasurer; Peregrine Bertie, vice-chamberlain; sir Edward Seymour, comptroller to the household; and lord Godolphin, lord treasurer; Mr. How, who had discovered the keenest personal opposition to the late king, was taken into the privy council, and made paymaster of the guards and garrisons. The appointment of sir George Rooke to be admiral of the fleet, vice-admiral of England, and a privy-counsellor, excited the jealousy of the Whigs, as he had always shown a dislike to their principles, and discouraged them in the fleet. The comptroller's staff was taken from the earl of Wharton, and given to sir Edward Seymour. London Gazettes, April, May, June.



CHAP. I. 1702. out of all proportion to any provocations received, and with exaggerated expectations of the benefits likely to arise from a successful war.

An alarm for the Protestant religion, together with a national antipathy to France, rendered the English, in general, impatient for controlling the extension of her power over the monarchy of Spain; and the merchants and manufacturers were no less cordial in approving of the resolutions of the court, from a jealousy of losing one of the most lucrative branches of their commerce, should that kingdom fall under the dominion of the house of Bourbon\*.

To the Tories, who had so lately condemned the partition treaty, no alternative remained, but supporting the war, or forfeiting every claim to consistency and honour, as well as to that popular favour, without which, their power, derived from the patronage of the sovereign, must have been fettered and precarious. The earl of Rochester strenuously opposed the resolution taken by the privy council for committing England as a principal in the continental war; but being supported by few of his friends in this opinion, it only proved the occasion of dividing them, and gradually paved the way for the returning credit and influence of the Whigs†.

The concurrence of so many interests, in favour of the war, overruled a disposition naturally mild and peaceable, and rendered her majesty favourable to that system of policy, which was bequeathed by a predecessor, to whose sentiments she was, in other points, but

\* Caveat to the Treasons, p. 63. Lond. 1711.

† The other Side of the Question, p. 171. Lond. 1742. The earl of Rochester supported his opposition to the opinion of the privy council by the following arguments, that England and the States had already acknowledged the duke of Anjou as king of Spain; that, if England were compelled to take a part in the war, her proportional assistance ought to be extremely moderate, in conformity to the degree of danger or advantage which she was likely to incur from the duke of Anjou's continuing on

the throne of Spain; that sending ten thousand men to the continent, agreeably to the treaty subsisting between England and the States, was a full equivalent for her share of the quarrel; that it would even be advisable to furnish her contingent for the land service entirely in money; but, above all, he recommended the exerting the utmost efforts by sea, which would contribute, immediately and essentially, to the distress of the enemy, and to the permanent extension of the commerce and power of Britain.

little

little partial. It can hardly be supposed, that the queen was ever cordially reconciled to the idea of excluding her own family from the throne; but she trembled at the apprehension of her own premature and violent degradation, which was associated with her brother's success under the auspices of the French king. Nor, in judging of her conduct, would it be fair to exclude the influence of more honourable and conscientious motives. To the protestant interest she was fervently devoted, and if she ever indulged any wish for devolving the succession upon her natural heir, she certainly meant to accomplish it under such restrictions as she deemed ample securities for her favourite religion\*. But to obtain them, it was necessary that her brother should renounce the counsels, and be separated from the alliance of a prince, whose intrigues were no less formidable to the religion, than to the independence of England.

But of all the causes which conspired to attach the queen to the confederacy, none had a more powerful sway, than the advice of lord and lady Churchill, who maintained an unrivalled ascendancy over her affections and conduct. In all the domestic quarrels in which the royal family had been embroiled during the preceding reign, lord Churchill warmly espoused the interest of the princess; and sacrificed immediate preferment to the prospect of ample compensation from her future patronage. He was now about to enter upon the harvest of his hopes, when the juncture of events extended them beyond the utmost stretch of his early speculations. While the approach of a continental war multiplied the channels of royal munificence, his insinuating address, his capacity for negotiation, his matchless talents as a general, ensured a pre-eminence, to which he never could have ascended during a period of public tranquillity. Although lord Churchill began his political career as a partisan of the Tories, yet the incidents of fortune, and a sympathy

\* King James was not more zealous for the propagation of the Roman faith, than his daughters were for the protection and safety of the protestant interest.

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CHAP. I. in disappointments, had often during the late reign induced him to concur with the measures of the Whigs, and to avail himself of their protection. At the accession of the queen, he stood on that ambiguous ground, which encouraged both the contending parties to entertain hopes of appropriating, to themselves, the decided advantage arising from his influence with the court. While his first connections, and the prejudices of the sovereign avowed by her preferring the Tories in the new arrangements, inspired them with the assured confidence of engrossing the patronage of her favourite, the alliances which he had contracted with some of the principal families of the Whigs, the declared attachment of his lady to their principles, and above all, the complexion of political measures, removed the dread of their being doomed to a complete and lasting proscription.

To confirm her good intentions towards the allies, the queen wrote a letter to the States; and the earl of Marlborough, now appointed captain general and honoured with the garter, was sent as her ambassador extraordinary and plenipotentiary to the Hague, to give her majesty's sanction to the alliance concluded by king William, and to concert measures for opening the campaign. The import of the earl's instructions, and the address and prudence with which he discharged his commission, re-animated the drooping spirits of that party in Holland which had always abetted the schemes of king William, and seasonably counteracted the insidious artifices now employed by Barré, the French resident at the Hague, for distracting their counsels and alienating them from the friendship of England. A convention was held at the Hague on the 31st March.

<sup>7</sup> Conduct of the dukes of Marlborough, p. 127. Cunningham, vol. i. p. 328. Lond. 1787. The earl of Marlborough's eldest daughter was married to the earl of Godolphin's eldest son; another was afterwards married to the earl of Sunderland; a third, to the earl of Bridgewater; and the youngest, to the marquis of Monthermer, who became duke of Montague.

From these marriages, which so much extended the duke's influence, his antagonists, and the people in general, when speaking of him and his connexions, called them the Family, without any other distinctive appellation. Conduct of Parties, p. 16. Lond. 1712.

1702,

1702, in conformity to the terms of the grand alliance, when it was settled, that war should be declared against France, on the same day, by the queen of England, the Emperor, and the States.

The proceedings of parliament after the death of the king were uniformly acceptable to the court and the nation. The same revenue, that had been enjoyed by her predecessor, was granted to her majesty during her life. An act was passed for enabling the queen to appoint commissioners for treating of an union between England and Scotland; and another for examining and stating the public accounts. The exorbitant expence of the late war had been imputed to the negligence and corruption of ministers, and this act was intended to soothe the people with the hopes of reformation, and oeconomy in managing the supplies. To confirm these hopes and alleviate the burdens of her subjects, her majesty intimated to parliament her purpose of applying a hundred thousand pounds yearly, out of her own revenue, to the public service.

The abjuration oath was taken by the members of both houses, and, in consequence of an application to her majesty from the commons, orders were issued for adding the name of the princess Sophia to the public prayers for the royal family. The resolutions, adopted by the convention at the Hague, were communicated to both houses, and produced renewed assurances of their utmost assistance for carrying on the war; but at the same time they discovered an early and well-grounded jealousy of the mercenary spirit of some of the allies, by requesting her majesty to engage them, to join with her, in prohibiting all correspondence and trade with France and Spain.

Although

<sup>8</sup> London Gazette, 26th March. Lamberti, tom. xii. p. 16. The deputies of the five circles of Austria, Swabia, Franconia, the Upper Rhine, and Electoral Rhine, exclusive of Bavaria, resolved 29th March N. S. to enter into the grand alliance, and upon certain conditions to leave their troops to be disposed of as the emperor should judge most beneficial to the common cause. London Gazette, 26th March, 6th April.

<sup>9</sup> The supplies, for the service of the year 1702, amounted to three millions, seven hundred thousand and thirty-three pounds, seven shillings, and ninepence.

<sup>10</sup> When the earl of Marlborough was at the Hague, the States applied to him to use his

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Although the series of public measures hitherto pursued was consonant to the political system of king William, yet some incidents occurred, which wounded the feelings of those who cherished a veneration for his character; and at the same time brought a stain upon the honour of the English nation. The popular joy, upon the queen's accession, was accompanied with expressions of contempt and insult towards the memory of her predecessor. Publications were circulated, tending to the reproach of his government, and to the disparagement of those principles which were the basis of the revolution. While such indignities did not meet with that rebuke and chastisement which decency required, the court appeared shamefully remiss in those testimonies of esteem and gratitude, which were due to the rank and character of one, who had been the illustrious instrument of national deliverance. Although king William was not addicted to personal extravagance, yet the discharge of considerable arrears, arising from the current expences of his household, devolved upon the voluntary justice of his successor<sup>11</sup>. While his personal effects were wantonly dealt out among the favourites of the new court, many of his creditors remained clamorous and unsatisfied. As if it had been to apologize for the indifference with which the queen tolerated these violations of decorum, the probity of her relation was arraigned; and it was confidently asserted by persons connected with the court, that he had formed a plan to bereave her of the succession, by transferring it, immediately after his own demise, to the elector of Hanover<sup>12</sup>. The house of lords, with a

his influence with the queen, to obtain permission for them to continue their commerce with France, without which their merchants could not possibly pay taxes to carry on the war.

<sup>11</sup> Cunningham, vol. i. p. 259, 260. This was the more culpable, as the king left assets sufficient to satisfy all claims against him. It has been asserted that the ministers paid such of his creditors as were in their interest. Id.

<sup>12</sup> Tindal, vol. v. p. 68. Lond. 1745. It

was said that sufficient evidence of this design had been found among the private papers of the late king. The troops of Hanover and Zell were to move towards the sea-coast of Holland; a pretended insurrection was to be raised in Scotland or Ireland, to give the king a pretence for inviting these troops with their prince to come to England; and several peers, privy to the scheme, were to be made lord lieutenants of counties. Id.

laudable

laudable zeal for vindicating the honour of king William, appointed C H A P.  
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1702. a committee to search his repositories; and, it having appeared from their report, that the allegation was destitute of any shadow of proof, it was voted false and villainous; and her majesty was requested to give directions for prosecuting the authors and publishers of it. 4th May. The parliament was prorogued on the 25th May, and dissolved a few weeks before its legal expiration, on the 2d July.

Before I proceed to the history of the campaign, it will be necessary to state briefly the reasons assigned by the confederate powers for entering into the war; and the advantages which they expected to derive from the prosecution of it.

The several declarations of war, published by the courts of Vienna, England, and the States, were founded upon the French king's breach of faith, and their indispensable obligations, arising from former treaties and from their common interest, to join their force for preserving the balance of power in Europe, endangered by his usurpation of the Spanish monarchy. The acknowledgment of the right of the son of James to the crown of England was specified, in the English declaration, as a gross indignity on the part of Lewis to the queen and the nation<sup>13</sup>.

The emperor complained of wrongs deeply affecting the interest of all the branches of his family. The dominions of Spain, the just inheritance of the archduke Charles, had been seized in violation of the most solemn treaties; and those countries, in Italy, which were the patrimonial right of the archducal family, and the fiefs of the emperor, had been invaded by the armies of France. Nor were even his German territories secure against the all-grasping ambition of Lewis, who had provided magazines and erected forts, in Cologne and Liege, which he filled with his own troops<sup>14</sup>.

The manifesto of the States represented, that their destruction had been destined by the French king, from the moment of his assuming the reins of government; that he had made repeated attempts for

<sup>13</sup> Annals, Anne 1702, p. 29. Lond. 1703.

<sup>14</sup> Tindal, vol. v. p. 51.



CHAP. I. carrying it into execution by the invasion of their country; that he never had relinquished this design, as appeared from his having violated all those articles of the treaty of Ryfwick, by which their security was provided for; that, by dislodging the Dutch troops from the garrisons of the Netherlands, and supplying their place with his own, the States were deprived of a safe barrier<sup>15</sup>, which they had purchased by two bloody and expensive wars; that the French king exercised absolute authority in the Netherlands, and was stretching his power to a degree inconsistent with the independence of surrounding States; that, not satisfied with the enlargement of his territorial empire, he was taking steps for engrossing the commerce of Europe, by seizing all the harbours of Spain, Naples, Sicily, the Mediterranean Islands, and the Spanish Indies, encroachments ruinous to the trade, the opulence, and the political existence of the United States<sup>16</sup>.

From the tenor of these declarations, it is evident, that as the emperor and the Dutch had been most injured, and were exposed to the nearest danger from the ambition of Lewis, so they had the greatest stake depending on the issue of the war. Corresponding with their complaints, the articles of the treaty of alliance were specific and definitive with respect to the advantages to be procured for them. By the fifth article, it was stipulated, that the allies should exert their utmost efforts for making themselves masters of the Spanish provinces in the Low Countries, to serve as a barrier to the States General against France, and to conquer the dutchy of Milan

<sup>15</sup> Flanders and Brabant, belonging to Spain, were a barrier to the Dutch and the Emperor against France; but in consequence of France and Spain being united, these provinces became hostile to the Dutch. Besides, the latter were afraid lest the ancient claims of the Spanish monarchy should be revived, which seemed to be insinuated by the French king's promising to restore Spain to its ancient glory. The Duke of Anjou's Succession considered. Lond. 1711.

The defence of the Spanish Netherlands was so great a burden to Spain, that it was proposed at the peace of Ryfwick to exchange them with France for territory on the frontier of Spain. But as this was exceedingly alarming to the Dutch, it was agreed, that twenty battalions should be furnished at their expense for garrisoning the Spanish Netherlands. The Barrier Treaty vindicated, p. 77. Lond. 1712.

<sup>16</sup> Ibid.

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for the emperor. The kingdoms of Naples and Sicily, and the islands and places on the coast of Tuscany, were destined to the Imperial family; though, in order to give this clause of the treaty the colour of general utility, it was added, that they might be serviceable to the trade of England and Holland. By the eighth, it was agreed, that none of the contracting parties should enter into a treaty for peace without the consent of the rest, and that it should not be concluded till satisfaction was obtained for the emperor; security, for the dominions and trade of England and Holland; and effectual measures taken for preventing the union of the crowns of France and Spain, and the former from getting possession of the Spanish Indies. The only explicit benefit stipulated for England was, that the allies should secure for her all the privileges of trade in Spain and the Mediterranean, which she enjoyed under the deceased king Charles. The maritime powers were authorized to retain, for themselves, whatever places in the Spanish West Indies were acquired by their arms during the war; a stipulation well calculated for amusing the hopes of mercantile bodies, prone to speculation and adventure<sup>17</sup>.

From the various articles of the treaty now detailed, it is obvious, that it suggested, to the confederate powers, separate, and even interfering interests, the prosecution of which required different and incompatible plans of carrying on the war. The immediate security of the empire pointed out Germany, and that of the States, the Netherlands, as the preferable scene of action. The interest of the archduke demanded the immediate and utmost exertion of force in Spain and Italy. Colonial conquests, favourable to the extension of the trade of England, could only be accomplished by the increase of

<sup>17</sup> The proportion of troops and ships, to be furnished by England and the States for carrying on the war, was adjusted as follows: England was to furnish two parts of five by land, and Holland the other three; by sea, England was to furnish five parts of eight, and

Holland the other three. The quotas were thus settled by king William, as secretary Vernon acquainted the House of Commons, by his order. State of the War and Peace. Somers, vol. ii. p. 34.

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her navy, which would cramp her auxiliary operations on the continent. It will be necessary to recur to these observations, in order to form a competent judgment of the propriety and wisdom of the various measures, adopted by the several contracting parties, relative to the conduct of the war, and the negotiations for peace.

The strength of France, at the commencement of hostilities, was apparently superior, and that of her enemies inferior to what they had been under the confederacy formed by king William at the revolution. The power of the former was now augmented by the possession of a great proportion of that force and treasure, which had been then in the hands of the allies. The gold and silver mines of Spain, her armies, and fleets were entirely at the disposal of the French king. The duke of Savoy had joined his forces to those of France, and the double affinity, which he had contracted with the royal family, seemed to extinguish every hope of reclaiming him to the interest which he had been wont to support<sup>18</sup>. By the intrigues of Lewis, the electors of Cologne and Bavaria were alienated from the court of Vienna; and the former was now prepared for hostilities, upon having received a reinforcement of French troops<sup>19</sup>. The two brothers, dukes Rodolph and Antony, who were partners in the government of Wolfenbuttle, had also contracted engagements with the French king; and, though they were prevented from performing them by the rapid motions of the duke of Zell<sup>20</sup> who had overrun their country, it was expected that they would embrace the first opportunity of taking an active part against the confederates.

<sup>18</sup> One of the daughters of the duke of Savoy was married to the duke of Anjou, now king of Spain, and the other to the duke of Burgundy.

<sup>19</sup> Representation concerning the late War. Lond. 1715. The elector of Bavaria had been appointed governor of the Low Countries upon the recommendation of king William to the courts of Vienna and Spain. He had been endeavouring to engage the circles of Germany in a neutrality, and those of Suabia and Franconia had agreed to it. The emperor

remonstrated against their resolutions at the diet of Ratibon, where it was settled that war should be carried on against France; and that whoever attacked any of the States or allies of the empire should be regarded as an enemy to the Germanic body. Barré, tom. x. p. 416. Paris, 1748.

<sup>20</sup> London Gazette, 16th March. The duke of Zell was uncle to the electoral prince of Hanover, afterwards George the First. He was now in the seventy-eighth year of his age, and admired for his courage and activity.

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The elector of Saxony, engaged in a war with Sweden and his revolted subjects in Poland, was disabled from furnishing his quota of troops to the Imperial army<sup>21</sup>.

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1702.

The anticipation of hostilities by the French king, who had already filled the forts in the Spanish Netherlands with his troops and entered the Milanese, afforded him a mighty advantage over the allies at the commencement of the war; while the uniformity of language, discipline, habits, and prejudices, which generally subsisted among his armies, gave a promptitude and vigour to his military operations<sup>22</sup>.

Nor did the States of Holland enter into the grand alliance with that unanimity and firmness, with which they had adopted every measure recommended by king William, in whose wisdom and talents they had entirely confided; and the disaffected party, whose opposition had been restrained by a veneration for his virtues, and the awe of his authority, began now to concert measures for thwarting the designs of the confederates<sup>23</sup>.

The campaign 1702 was opened by the allies on the 16th of April, with the siege of Keyferswaert in the dominions of the elector of

<sup>21</sup> Lediard, vol. i. p. 108. Lond. 1713. The duke of Anjou had been acknowledged as king of Spain by the United States, England, Portugal, and Denmark, the duke of Brunswick-Wolfenbuttle, the bishop of Munster, and several princes of Italy. Interior circumstances contributed to weaken the power of the principal confederate States; England was in danger of being involved in a civil war by a disputed succession to the crown; and the influence of the emperor was greatly diminished by the encroachments he had made upon the rights of some of the German princes. Dangers of Europe from the growing Power of France, p. 3. Lond. 1702.

<sup>22</sup> History of Europe, vol. vii. p. 189. Lond. 1702. The force of France, at the commencement of the war, consisted of two hundred and twenty thousand horse and foot, commanded by thirteen thousand officers, and of thirty-five thousand militia troops; of four-

score men of war of the line, and thirty galleys. Monthly Merc. Feb. 1701. Of the force of Spain, now added to France, I have not been able to form any estimate.

The united forces of the allies ought to have exceeded the number of the French; but all of them, except England, fell short of their stipulated quotas, which makes it impossible to ascertain its aggregate amount with precision.

According to a list of the Imperial troops alone, given by Lamberti, tom. xii. p. 116. those in the empire amounted to forty-two thousand; in Italy, fifty-six thousand, two hundred; in Hungary, twenty-six thousand, nine hundred; in the emperor's hereditary dominions, five thousand five hundred and fifty. Quincy, as far as he enumerates them, agrees with this account, tom. iii. p. 458. Paris, 1726.

<sup>23</sup> Cunningham, vol. i. p. 268.

Cologne.

CHAP. I. 1702. Cologne. This small town, being strongly fortified, afforded the French a favourable opportunity to plunder and lay waste the adjacent country, belonging to the circle of Westphalia and the States of Holland. The siege was conducted by the prince of Nassau-Saarbrug, who commanded the troops of the United States employed as auxiliaries to the emperor <sup>24</sup>.

A variety of circumstances conspired to prolong the siege. Count Tallard, with a large detachment of the French army, posted himself on the banks of the Rhine, opposite to the town, and not only poured in fresh supplies of provisions and men, but annoyed the besiegers with his cannon. Heavy falls of rain interrupted the work of the pioneers, and rendered the trenches unfit for the occupation of the besiegers. The garrison made frequent sallies, in which many of the confederates were killed. At length, the town being reduced to ashes, the prince made an attack upon the counterscarp, which was taken after an obstinate resistance for two hours; and the garrison capitulated on honourable terms <sup>25</sup>.

9th June. The marshal Boufflers, who commanded the principal army of France, having failed in his design of raising the siege of Keyserfwaert, advanced to attack the earl of Athlone, encamped at Clarenbeck, near Cleves. The earl, whose army was inferior to that of the marshal, decamped upon his approach; and, after having sustained a considerable loss of men in skirmishes with detached parties of the enemy in his retreat, he reached Nimeguen, and posted his army under the cover of its fortifications <sup>26</sup>. It would have been easy for Boufflers to have made himself master of that city during the siege of

<sup>24</sup> They amounted to eighteen thousand.

<sup>25</sup> Quincy, tom. iii. p. 527. Military History of Prince Eugene and the Duke of Marlborough, p. 48, 9. Lond. 1742. The allies lost five hundred men, besides two thousand wounded in the course of the siege. Compare Quincy with Lediard, vol. i. p. 111.

<sup>26</sup> Led. vol. i. p. 111. Quincy, tom. iii. p. 530. Lamberti, tom. xii. p. 26. The army under Boufflers consisted of forty-seven battalions and

fifty-nine squadrons; Athlone's of twenty-seven battalions and sixty-two squadrons. Berwick's Memoirs, vol. i. p. 163. Lond. 1779.

N. B. A battalion consists of a body of seven or eight hundred foot; a squadron of one or two hundred horse. This variation of number renders any calculation, founded on these denominations, uncertain.

Keyserf-

Keyserfwaert, but he was prevented from proceeding to hostilities, by the hopes of getting possession of it, in consequence of a secret negotiation with some of the principal inhabitants <sup>27</sup>. Finding it in vain to attempt the siege of Nimeguen after the arrival of Athlone's army, the marshal directed his march towards Cleves, which, being in a defenceless state, was pillaged and laid waste <sup>28</sup>.

Landau was invested by prince Lewis of Baden on the 16th June; the citadel was taken by storm on the 9th September, and on the 10th the city surrendered <sup>29</sup>. The long continuance of this siege was occasioned by the intrepid spirit and brave resistance of Melac the governor, and the wanton profusion of expence upon the equipage of the king of the Romans, while the most important military preparations were postponed and neglected <sup>30</sup>.

The earl of Marlborough, appointed captain-general of the allied army, arrived at the camp before Nimeguen on the 2d July, and concerted the future operations of the campaign with the earl of Athlone, and the other principal commanders. After having collected the greatest part of the troops which had been employed at the siege of Keyserfwaert, together with those of Hesse and Lunenburg and the English from Breda, he found himself in a situation to act offensively against the duke of Burgundy, who had now assumed the command of the principal army of France. After twice passing the Maese, he encamped near the enemy entrenched at Goch, upon which the latter decamped, and crossed the Maese at Venlo <sup>31</sup>.

After various ambiguous movements to deceive his antagonist, the earl entirely shut out the French army from the Spanish Guelderland; and by reducing Venlo, Ruremond, Stevenswaert, and the town and citadel of Liege, opened the navigation of the Maese and

26th July.

August.

September.

October.

<sup>27</sup> Histoire de Louis, Paris, H. P. D. L. D. E. D. tom. v. p. 436. Amsterdam, 1717.

<sup>28</sup> Led. vol. i. p. 113.

<sup>29</sup> Quincy, tom. iii. p. 579. Led. vol. i. p. 114. Military History of Marlborough,

p. 62, 3.

<sup>30</sup> Tindal, vol. v. p. 111. The siege was

stopt several weeks for want of ammunition.

Histoire de Louis, tom. v. p. 454.

<sup>31</sup> Led. vol. i. p. 115.

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CHAP. I. the communication with Maestricht, which secured the most convenient winter-quarters for his army<sup>32</sup>.

1702.

The earl, while he pursued the duke of Burgundy's army, had repeatedly found himself in a situation to engage it with advantage, and made every preparation for that purpose; but his activity was arrested, and his fond expectations disappointed by the timidity and jealousy of the Dutch deputies<sup>33</sup>.

Though the elector of Bavaria had secretly entered into engagements with the courts of France and Spain, yet, that he might not be interrupted by the emperor in his military preparations, he had hitherto avoided declaring himself, or taking any open step in the war. The situation of his dominions, as a barrier between France and Germany, and a considerable body of well-disciplined troops under his command, rendered both the contending parties exceedingly anxious to obtain his decided support<sup>34</sup>. The capture of Landau put the allies into a condition of penetrating through Lorraine into the interior provinces of France. If therefore the elector really meant to assist France, by checking the progress of the allied arms, the crisis was now arrived, which would admit of no farther disguise or procrastination.

<sup>32</sup> *Ibid.* vol. i. p. 115. *Military History*, p. 52. *Kane's Campaigns*, p. 23. *Lond.* 1747. The army under Marlborough consisted of seventy thousand men. *Id.* p. 33. That of the enemy being reinforced by Tallard at the head of twelve thousand, consisted of sixty-six battalions, and one hundred and fourteen squadrons; and was thereby rendered superior to Marlborough's. *Berwick*, vol. i. p. 170.

Venlo was taken by storm with a great slaughter of the French, on which occasion some of the English officers, particularly lord Cutts, distinguished themselves by exploits of bravery not surpassed in the whole course of the war.

Ruremond capitulated, as did also the city of Liege; but the citadel was taken by storm, and the greatest part of the garrison put to the

sword. A great deal of rich booty was found in the city.

<sup>33</sup> The earl wished to attempt a pitched battle at Petit-Brugel, 2d August; and afterwards, when passing Dunderlaugh Heath near Peer. *Tindal*, vol. v. p. 114. *Kane*, p. 36. The duke of Berwick says, "that it was fortunate that the deputies of the States opposed Marlborough's desire of engaging the French at Peer, because they were posted in such a manner that they would have been beaten without being able to stir." *Berwick*, vol. i. p. 170.

<sup>34</sup> *Histoire de Louis*, tom. v. p. 372. The army of the elector of Bavaria, infantry, cavalry, and militia, amounted to fifty-two thousand one hundred and nine men. *Lamberti*, tom. xii. p. 440.

He

CHAP. I. He began his services to Lewis by carrying into execution a stratagem for surprising Ulm, the capital of Suabia. Forty officers, selected for this purpose, entered the town in the dress of peasants and country girls, carrying baskets of provisions and fruits for the market. Six hundred dragoons lay in ambush in an adjacent wood, and two regiments were posted at no great distance in the country. The gates being shut, and the inhabitants conigned to repose, the sentinels were seized by the Bavarian officers, and locked up in the guard-house. The gates were thrown open, and upon a signal that had been concerted, the dragoons entered, took possession of the arsenal, rampart, and bastions, and turned the cannon against the city. The garrison run to arms, but being struck with a panic upon the unexpected sight of the enemy, dispersed almost without resistance<sup>35</sup>.

1702.  
8th Sept.

9th.

In consequence of the elector of Bavaria's entering into hostilities, the prince of Wirtemberg found it necessary to withdraw his troops for the defence of his own dominions, and other auxiliary troops being recalled for the same reason, the Imperial army under the prince of Baden was so much weakened as to be incapable of attacking Catinat, who commanded the French upon the Upper Rhine, which frustrated the prince's design of quartering his troops in Alsace during the winter<sup>36</sup>. He was even exposed to the danger of being surrounded by the army of the duke of Villars, which had passed the Rhine, and was advancing towards his camp in two divisions, the one commanded by the duke himself, the other by the count Guiscard. Upon this information the prince decamped from Fridlingen; Villars pursued him, and an engagement appearing unavoidable, the former faced about, and began the attack by cannonading the French army. The battle was obstinate and bloody, and continued several hours with diversified success; and, after all, the issue was so doubtful that both generals claimed the victory<sup>37</sup>. The French

13th Oct.

14th.

<sup>35</sup> *Quincy*, tom. iii. p. 592.

<sup>36</sup> *Barrié*, tom. x. p. 419.

<sup>37</sup> *Quincy*, tom. iii. p. 600. *Lamberti*, tom. xii. p. 99. The French king, upon the news

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CHAP. I. French next day obtained possession of the fort of Fridlengen, but declined renewing the engagement, and left the allies in possession of the field; and the former, instead of joining the Bavarians, which was their original intention, were forced to repass the Rhine<sup>38</sup>.

The Bavarians made themselves masters of Kempten, an Imperial city upon the Iller, and Weissemburg in Franconia; and compelled count Palfi, who commanded a large detachment of the Germans, to desist from his attack on the town of Wertheim, and made good their quarters in Suabia<sup>39</sup>.

Count Tallard, unable to oppose the progress of the allies under the earl of Marlborough in the provinces of Guelders and Liege, after being joined by the troops of Cologne, marched into Juliers, obliged the allies under the prince Saxe Memmingen to retire, advanced to the city of Cologne, which he persuaded to accept of a neutrality, and laid the duchy of Berg under contributions. Being still farther reinforced by a body of troops commanded by the marquis de Locmaria, he made himself master of Treves, and advancing to Trarbach, forced it to surrender after a brave resistance<sup>40</sup>. These losses were in some degree compensated to the allies, by the success of the prince of Hesse, who with a detachment from the grand Imperial army retook Zinch, Lintz, Brisach, and Andernach, which had fallen into the hands of the enemy.

Count Tallard seized Nanci, and garrisoned it and the other strong places of Lorraine, without any provocation or colour of justice, merely to serve as a barrier against the Imperial troops, which had approached nearer to France by getting possession of Landau<sup>41</sup>.

news of the battle of Fridlengen, ordered *Te Deum* to be sung; and promoted Villars to the rank of a marshal for the service he had rendered his country. The German army was considerably superior in number to that of the French. *Memoires du Duc de Villars*, tom. ii. p. 49. A La Haye, 1736. M. Villars at one time believed he had lost the battle irretrievably. S. Simon, tom. vi. p. 294.

At the close of this campaign the earl of Marlborough was taken prisoner in one of the

boats coming down the Maese: but the party who took him, not suspecting him to be a person of distinction, immediately released him. *Collin's Peerage*, vol. i. p. 196.

<sup>38</sup> *Military History*, p. 63. *Monthly Mercury*, October 1702.

<sup>39</sup> *Histoire de Louis*, tom. v. p. 464.

<sup>40</sup> *Barré*, tom. x. p. 421. *Quincy*, tom. iii. p. 608.

<sup>41</sup> *Histoire de Louis*, tom. v. p. 466.

Affairs

Affairs in Italy were unpromising to the confederates at the beginning of the war. The duke of Mantua, in obedience to a summons from the prince of Vaudemont, governor of the Milanese, had received a garrison of French and Spanish troops into his capital. This was the more mortifying to the emperor, because the former was his vassal, and had repeatedly shewn his attachment to him in preference to the house of Bourbon; but it was not easy for the duke to withstand the combined influence of fear and of interest. A large body of French troops was hovering on the frontiers, prepared to commence hostilities if he had hesitated about complying with the demand of the governor; and, on the other hand, on the condition of his complying, he had the promise of fifty thousand pistoles\*, besides an ample allowance to be paid to him monthly for maintaining the French garrison<sup>42</sup>. He was cited by the council of the empire, to give an account of the surrender of Mantua; a sentence of confiscation was pronounced against him, all his vassals were discharged from their allegiance, and he was now marked out to be the first object of vindictive hostility. Prince Eugene advanced from Roveredo through the plains of Vicenza, passed the river Adige, and after feigned marches in order to distract and divide the French army under Catinat, he took possession of Villa Franca, crossed the Mincio, and directed his route to Milan. His stratagem proved successful, and the greatest part of the enemy's troops were dispatched to prevent his passing the Oglio, which was understood to be his design. The prince having thus removed any near obstruction to his actual purpose, suddenly turned back upon Mantua, and obtained possession of the fortified posts, and afterwards of the whole country, except the city of Mantua, which he blockaded by cantoning his army in the neighbourhood during the winter<sup>43</sup>.

<sup>42</sup> *Monthly Mercury*, April and May 1701. He received only twenty pistoles, the rest being laid out by the French upon the fortifications of the city. *Monthly Mercury*, September 1701.

<sup>43</sup> *Military History*, p. 43.

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\* £ 37,500.

15th July.

CHAP. I. 1702. The great object of the duke of Vendosme in the campaign 1702, was to open the communication with Mantua, and for this purpose he advanced from the Venetian territories, in the month of April, with an army far superior to that of Eugene, who had been disappointed of the reinforcements promised by the Imperial court; and therefore could attempt nothing more than to retard that reverse of fortune, which it was impossible for him finally to prevent. The duke of Vendosme gradually recovered all the posts and towns which had been taken the preceding campaign, and weakened the Imperial army by successful attacks on the detachments sent out to oppose his progress<sup>44</sup>. It was even believed that he had repeated opportunities of engaging the main army of Eugene with advantage; but he was restrained from embracing them by the king of Spain, who was advancing from Naples to assume the principal command, and wished to reserve, for himself, the renown of a victory over one of the most illustrious generals of the age<sup>45</sup>. The prudence and experience of Eugene disappointed the aspiring monarch of that decisive success which he expected from a general engagement. The two armies met at Luzarra. The vigour with which the Germans began the attack obliged the French and Spaniards to give way in every part of the field; but the presence and exemplary bravery of king Philip, seconded by the extraordinary exertions of his officers, reanimated his troops, and protracted the battle till the darkness of the night put an end to it, and left both the contending parties alike entitled to claim the victory<sup>46</sup>.

15th Aug.

An expedition against Cadiz had been early concerted between the late king and the allies, as the most likely means to prevent the

<sup>44</sup> Quincy, tom. iii. p. 472. 636. Barré, tom. x. p. 401.  
<sup>45</sup> Letter from king Philip to the duke of Vendosme, 9th May 1702. Military History, p. 51.  
<sup>46</sup> Military History, p. 53. Journales de Campagne Imperiale. Lamberti, tom. xii. p. 102. Prince Eugene had not more than twenty-five thousand men; the French army amounted to near forty thousand. Quincy assigns the victory to the French; the marquis de Feuquieres says, that the battle was fought without apparent advantage on either side. Quincy, tom. iii. p. 682. Feuquieres, vol. ii. p. 113.

French

French from getting possession of the Spanish West Indies, and for dividing Spain at home, by encouraging the friends of the archduke to make an open declaration of their allegiance. In prosecution of this design, the united fleets of England and Holland, under the command of sir George Rooke, with a large body of troops, sailed from Spithead on the first of July, and arrived before Cadiz on the tenth of August<sup>47</sup>. After a dispute between the duke of Ormond and the naval officers about the plan of attack, in which the opinion of the latter was preferred, the troops disembarked between the village of Rota and port St Katherine. Rota was taken after a short resistance; and port St. Mary, the general warehouse or magazine of Cadiz, was deserted. The admirals having founded the shores adjacent to Matagorda, a fortress at the entrance of the harbour, found them so shallow as to render it impossible for the fleet to cover the descent of the troops, except in those parts where it would be exposed to the fire of the enemy's ships lying in Port-Real creek. The duke of Ormond persisted in his resolution of attacking Matagorda, notwithstanding the opinion of the naval officers which was justified by the event; for his utmost ingenuity was exercised in conducting his retreat with that caution which was necessary to evade the dangers, arising from the animated exertions and resentment of a triumphant enemy. As any farther attempt to reduce Cadiz was deemed impracticable, all the magazines at Port-Real and St. Mary were destroyed; and the army re-embarked and sailed from Cadiz on the 30th September. The confederates lost few men in the field, but many perished by disease, and from the fatigue and violence of the heat, insupportable amidst the sands and defiles<sup>48</sup>.

The miscarriage of this expedition, together with the circumstances of wanton depredation and cruelty with which it was attended, reduced the affairs of the confederates to a much worse condition.

<sup>47</sup> The fleet consisted of thirty English and twenty Dutch ships of the line, besides small vessels and tenders, amounting in all to one hundred and sixty sail. The English and Dutch troops amounted to thirteen thousand eight hundred. Lives of the Admirals, vol. iii. p. 9. Lond. 1779.  
<sup>48</sup> Lives of the Admirals, vol. iii. p. 10. &c. London Gazettes, September, October, November.

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1702. dition than as if it never had been attempted, and confirmed those strong prejudices against the protestants, which through the whole of the contest were so fatal to the cause of king Charles<sup>49</sup>.

The first news from the fleet was received with murmuring and discontent, which however was soon removed by its success in a quarter where it was not expected. When sir George Rooke was steering for England, he received information of the Spanish galleons having put into Vigo under the convoy of a French squadron. He directed his course thither, and his attempt was crowned with remarkable success, which was owing to singular good fortune, as well as the brave conduct both of the fleet and army. Twenty ships of war were taken and destroyed in the harbour. A great proportion of plate and goods had been carried into the country upon the approach of the confederate fleet; but enough remained to reward the services of all who had any share in this expedition<sup>50</sup>.

Admiral Leake, who had been sent out with a squadron to Newfoundland, completely destroyed the French settlements there, and restored the English to the entire possession of the island.

Admiral Benbow who commanded the English fleet in the West Indies at the commencement of the war, maintained a running fight with the French admiral Le Cassé for several days, in which, owing to the misconduct of some of his captains, nothing decisive was performed; and his fleet suffered so much, that it was rendered unfit for service during the remainder of the season.

<sup>49</sup> Lamberti, tom. ii. p. 251. The army of the confederates, intoxicated with the rich wines which they found in the cellars of the inhabitants, pillaged the houses, and broke down all the furniture they were unable to carry away; many of the churches were stripped of their precious ornaments. The damage done to the inhabitants did not amount to less than a million sterling. Salmon's Modern History, vol. xxv. p. 68. Lond. 1734.

Sir Henry Bellasis, lieutenant-general, and sir Charles O'Hara, were put under arrest for not having restrained their men from plunder; and the former dismissed from the service when they came to England. Lives of the Admirals, vol. iii. p. 12.

<sup>50</sup> Lives of the Admirals, vol. iii. p. 15, &c. The silver and gold in this fleet was computed at ten millions of pieces of eight (2,250,000l.); of which eight millions was taken out of the galleons and secured by the enemy; the rest was taken or destroyed with the galleons: the goods were valued at four millions of pieces of eight; one-fourth of which was withdrawn, two destroyed, and the other taken by the confederates.

Sir Claudsley Shovel, who had been sent out by the ministry with a squadron of twenty men of war to intercept the galleons, came to Vigo 10th October, and assisted in carrying off and bringing home the spoils.

## CHAP. II.

*The Elections in favour of the Tories.—Parliament meets.—Mr. Harley chosen Speaker.—Her Majesty's Speech.—Addresses.—Partiality of the Commons in Questions relative to Elections.—Bill against occasional Conformity.—Arguments for and against it.—It is thrown out by the Lords.—The Abjuration Oath extended to Ireland.—Lord Ranelagh expelled the House of Commons.—Address of the Commons against Lord Halifax.—Bills introduced in the House of Commons.—They refuse to comply with her Majesty's Recommendation for settling a Pension on the Family of the Duke of Marlborough.—Supplies.—Parliament prorogued.—Campaign 1703.—The Duke of Savoy and the King of Portugal join the Confederacy.—Circumstances unfavourable to it.—Newburg taken by the Elector of Bavaria.—Fort Kehl by Marshal Villars.—The Imperial troops abandon the Valley of Kintzinguén, and the Marquisate of Baden.—Progress of Counts Schlick and Stirum in Bavaria.—Checked by the Elector's Success in the Battles of Scharding and Wels.—Junction of the French and Bavarian Armies.—The Elector overruns Tirol.—Is forced to evacuate it by the Tirolian Peasants.—State of the War in Italy.—The Duke of Vendôme takes Barfello.—Gets possession of the Duke of Modena's Country.—Advances to Trent—retreats on hearing of the Repulse of the Elector of Bavaria.—Marches into Piedmont, and lays waste that Country.—Advantage gained by the French at Hochstet.—Brisach taken by the Duke of Burgundy.—Landau invested.—The Prince of Hesse advances to raise the Siege.—Is defeated by the Marshal Tallard—and the Town surrenders.—Success of the Allies in Flanders.—Bonn besieged and taken.—Tongres taken by the French—Retaken by the Duke of Marlborough.—The French Lines successfully attacked by Generals Spaar and Coborn.—General Obdam defeated at Ekeren.—Huy and Limburg taken by the Duke of Marlborough—Guelders by the Prussians.—Naval affairs.*

THE marked partiality of the queen to the Tories, while loyalty was yet new and fervent, gave them every advantage in the competition at the general election. The landed interest was generally exerted for them, and their engagements to support the war

CHAP. II. 1702. war obtained a greater share of popularity than they had ever found before among the corporations. From these favourable circumstances, the interest of the Tories was stronger in the first parliament of queen Anne, than it had been at any period since the revolution.

21st Oct. The session commenced on the 20th October 1702. Mr. Harley was chosen speaker for the third time without any opposition. Her majesty expressed her satisfaction in the pleasing testimonies which she had received of the duty and loyalty of her people<sup>1</sup>. She expected that the zeal of parliament for the common cause would be an example to the allies, and redound to the general advantage of the confederacy. While she solicited the necessary supplies, she recommended a strict inspection of public accounts, and an inquiry into former abuses in the management of the revenue.

28th. The address of the lords perfectly accorded with the sentiments of the royal speech; and that of the commons, while it exceeded in compliment to her majesty, and obliquely censured the conduct of her predecessor, gave an insight into the temper and motives which pervaded all the future deliberations of that house during the continuance of this parliament<sup>2</sup>. Not satisfied with augmenting their superiority by a disgraceful partiality in deciding on the contested elections<sup>3</sup>, they laid hold of every incident which could furnish them with any specious pretext for censuring the conduct of their antagonists. They addressed her majesty to remove the bishop of Worcester from the office of almoner, on account of his mali-

<sup>1</sup> During the recess of parliament, the queen had accompanied her husband to Bath, and visited Oxford and Bristol, &c. She was every where entertained with magnificence and splendour, and flattered with the warmest testimonies of loyalty.

<sup>2</sup> They said, that the wonderful progress of her majesty's arms had *signally* retrieved the honour of the nation; and, that as she had always been an illustrious ornament to the church, they hoped to see it restored, under her government, to all its due rights, by de-

vesting those men of power who wished to destroy it. Journals Commons, 26th October.

<sup>3</sup> In the case of Hindon, the evidence of bribery was so strong, that the burgh was disfranchised; and yet the member who had given the bribe, being in the Tory interest, was permitted to keep his seat. Journals Commons, 24th October, &c. See also the case of Gloucestershire. Id. 24th October, 19th November. So great indeed was the partiality of the majority in the House, that not one Whig was admitted upon petition.

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cious and unchristian proceedings to prevent the election of sir John Packington in the county of Worcester; and to direct a prosecution against Mr. Loyd the bishop's son, for his participation in the same offence<sup>4</sup>.

The lords were highly offended at this precipitate and violent measure, which affected one of their own members, and addressed her majesty to delay any expression of her displeasure against the bishop, till he was convicted in the course of law of the crime laid to his charge; but she gratified the commons by exercising her prerogative, in a case, where delicacy and discretion ought to have restrained its interference<sup>5</sup>.

An attempt was made in the house of commons to revive the animosities which had been excited by the question of the partition treaty; and at the same time to arraign the honour of the upper house indiscriminately, by voting that right had not been done them upon the impeachments brought before the lords in the preceding parliament. But as that question tended to the crimination of individuals intimately connected with the party which was now the strongest in the ministry, and in the house of commons, and at the same time involved constitutional difficulties, it was not insisted upon.

The zeal of the Tories, in the present and future sessions of this parliament, was exerted with unremitting diligence to obtain a new law against occasional conformity, because it appeared to be the most compendious and effectual expedient for extinguishing the influence of the Whigs.

<sup>4</sup> The charges against the bishop were, that he had written to sir John Packington to desert from the canvas, and, to the clergy of the diocese, to make what interest they could against him; that he had calumniated the characters of sir John and his ancestors in the course of his visitations, and threatened to turn his lay-tenants out of their leases if they

did not vote as he desired. Journals Commons, 18th November 1702.

<sup>5</sup> In answer to the petition of the lords, the queen said, "that she thought it her undoubted right to continue or displace any servant attending upon her own person when she should think proper." Journals Lords, 20th November.

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Although



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II.

1702.

Although the late king had failed in all his efforts for opening the doors of the ecclesiastical establishment to moderate dissenters, and for abolishing penal statutes, which bore hard upon his protestant subjects; yet his known sentiments and exemplary lenity restrained wanton and rigorous prosecutions; suspended the animosities of sects; and lessened that fastidiousness, with which the generality of dissenters had been wont to keep aloof from communion with the church. Many of the presbyterians who held offices in corporations, and some in private stations, occasionally attended public worship in the parochial congregations; and even received the sacrament according to the form prescribed by the liturgy<sup>6</sup>. How far this conduct was consistent with probity, or with the letter and intention of the statute, was a question which admitted of diversity of opinion. Upon the first branch of it, which referred to the morality of the action, the conscience of individuals alone was competent to decide; nor did it require any stretch of candour to suppose, that the purest motives might not only justify, but recommend, to the enlightened christian, an abatement of reserve with respect to social worship, and even a frequent intercourse in religious solemnities with those persons who were tenacious of certain principles and external forms, of which the partial conformist did not approve. In every case where the statute law is not expressed with the utmost accuracy and precision, it will be liable to a different explanation, according to the various interests and prejudices which bias the minds of its interpreters. The Whigs, who lay under great obligations to the dissenters for their uniform support at elections, professed to think favourably of their moral conduct in the practice alluded to; and maintained its exemption from penalties as being nowhere inconsistent with the statute: whereas the Tories, jealous of the increasing power of a party adverse to their interest, and of any infringement of the prerogatives of the church, condemned occa-

<sup>6</sup> Tindal, vol. v. p. 179, 180.

sional

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sional conformity, as equally repugnant to the principles of integrity and the laws of their country. Freed from the restraint arising from the discountenance of the court, and emboldened by the congenial sentiments of the new sovereign, the latter began to complain loudly of the criminality and danger of occasional conformity; and to circulate such treatises as were calculated to cast an odium upon the dissenters, and to represent them as unworthy of the indulgence with which they had been favoured in the late reign<sup>7</sup>. But though the leaders of that party who were now in the administration had the power of executing the laws, yet being still diffident of their sufficiency, as they then stood, to suppress the abuse complained of, or to accomplish that severe chastisement which they wished to inflict on the dissenters; a bill was now brought in by the commons for disabling every person to hold any office, who, notwithstanding his having taken the test, afterwards attended any meeting for religious worship that did not conform to the practice of the church of England.

4th Nov.

The advocates for this bill did not conceal the influence of party motives, and argued, that as the last reign had commenced with a law in favour of the dissenters, so propriety and justice required that the inauguration of the present illustrious sovereign should be distinguished by some signal testimony of her kindness to the established church. At the same time, without a scrupulous regard to consistency of argument, they contended that the present bill neither invaded the toleration which the dissenters already enjoyed, nor added to the privileges of the ecclesiastical establishment. The preservation and defence of these, equally essential to the purity of the christian doctrine and the vigour of the civil constitution, were held forth as

<sup>7</sup> Impartial View of the two late Parliaments, p. 25. Lond. 1711. The principal of these were intitled, William's Affection to the Church of England, Lond. 1703. The English Monster, or the Character of an occasional Conformist. The Establishment of the

Church, the Preservation of the State. The Case of Toleration recognized. A new Test of the Church of England's Loyalty. The Political Union by Dr. Sacheverel, 1702. The Case of Regale, by Lefley; and several Sermons on High Church Principles.

the

CHAP. II. 1702, 3. the only objects of the bill. The most gross and unpopular heresies were indiscriminately imputed to the dissenters; and the insurrections and rebellions of the preceding age were ascribed to their progenitors, to whose principles their descendants still adhered. The most specious arguments for the bill were those which assumed a colour of virtue, by expressing indignation at the hypocrisy of a set of men, who it was taken for granted conformed to the established worship, no farther than was necessary to prevent their exclusion from secular honours and gain<sup>9</sup>.

The opposers of the bill expressed a just detestation of all those reflections which were derogatory to the policy of king William, and injurious to the character of the dissenters in general. In the late and present reign, the same fundamental principles of government had been adopted; and as her majesty had been pleased to give the strongest assurances of her intention to maintain the toleration, so, under the administration of her predecessor, the church had ever met with all the encouragement and protection to which it was entitled by law. If early history furnished examples of the seditious spirit of non-conformists, the remembrance of them ought to have been obliterated by the recent and meritorious services of their children, in support of liberty and the reformed religion. The salutary influence of lenient and tolerant measures afforded experimental conviction of the wisdom of that policy from which they sprang. They had blunted the edge of religious hatreds; they had already reconciled many of the dissenters to the church; and, in their progressive effects, might be expected to promote that complete and sincere union, which the authority of law and the terror of punishment could never enforce. While the immorality of conforming to the rites of the church from worldly motives was execrated, doing it from liberal principles was a case which might be fairly supposed, and wherever it was found deserved praise. Such a practice had

<sup>9</sup> Journals Lords, Commons, passim. Memorial for the Church of England. Lond. 1706. been

been recommended by the example, as well as opinion, of the most pious dissenting divines in the last age, and had been followed by some of their lay adherents, who declined interference in political affairs, and accepting posts of honour and emolument<sup>10</sup>.

The stress of the opposition to the bill was laid upon its peculiar unsuitableness to the times, the critical situation of public affairs, its extreme severity and extensive operation, and the infamous methods prescribed for convicting offenders. Was it not dangerous, in the heat of a war, to adopt any measure tending to divide the nation at home, and to lessen the esteem and confidence of her allies? The penalties were oppressive beyond the example of the most tyrannical reigns, while the description of the crimes, for which they were to be inflicted, was vague; and the terms of the act were perplexed, ensnaring, and calculated for enlarging the compass of oppression<sup>11</sup>. The extension of the bill to foreign protestants brought a stain upon the hospitality and gratitude of the English nation. Nor was its impolicy less glaring and censurable, as it might furnish protestant states abroad with a pretext for retaliating upon the members of the church of England, who now lived securely under their protection. The malicious operation of the bill with respect to persons employed in schools and hospitals, subsisting by the charitable bequests of dissenters, afforded topics of derisive censure and pathetic declamation. Admitting all the grounds of reproach that had been vented against the dissenters in the course of this debate, that they were *schismatical*, *hypocritical*, and *seditious*, was it not hard to restrain them from the exercise of that charity *which covers a multitude of sins*?

<sup>9</sup> Calamy's ejected Ministers, p. 7. The celebrated Richard Baxter practised occasional conformity from the most liberal motives in the reign of Charles the Second; and his example was followed by many of the most respectable Presbyterian dissenters.

<sup>10</sup> It was proposed by this act to impose a fine of one hundred pounds upon every person in office, who, having taken the sacrament and

test 1673, afterwards frequented the meetings of dissenters, and five pounds for every day he continued in office after such transgression. The penalties of the bill were to extend not only to magistrates, as in the test act, but to inferior officers and freemen in corporations. The person convicted was to be made incapable of holding any office in future.

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This bill was finally represented as tending to debase and adulterate the constitution by the encouragement which it gave to informers. Instead of reserving the employment of these odious men to the discretion of ministers upon pressing emergencies of state, they were invited by a premium, to a malicious investigation of the conduct of their fellow-citizens, dangerous to the security and peace of the most guarded innocence<sup>11</sup>.

After all, the opposers of this bill in the house of lords, where it met with the most ample and impartial discussion, do not seem to have perceived the strength and extensive application of those arguments which they brought against it. All of them deprecated the censure of being lukewarm or indifferent to the interests of the church. The majority approved of the principle of the bill; and would have voted for it, had the commons agreed to the amendments proposed for restricting its operation and mitigating its severity; but they continued inflexible, and lost their favourite measure by a single voice in the upper house<sup>12</sup>.

A bill passed in the house of commons for enlarging the time of taking the oath of abjuration, and restoring to the capacity of office such persons as had hitherto declined the oath, provided that they took it within the time now prescribed by the act. Although this bill had professedly no other object than lenity, which was likely to redound to the farther security of her majesty's person, by conciliating the affections and fidelity of some respectable persons who had been wavering in the preceding reign, yet it was suspected that it would open a door for such as were hostile to the protestant succession, who might imagine that they fully discharged the duty of the

<sup>11</sup> Journals Lords and Commons, passim. Low Church vindicated. Lond. 1705. Inquiry into the occasional Conformity Bill. Lond. 1704. Several conferences passed between the two houses on this bill, which were managed, on the part of the commons, by sir Simon Harcourt, sir Thomas Powys, Mr. Bromley, St. John, and Finch; on the part

of the lords, by the duke of Devonshire, the earl of Peterborough, the bishop of Sarum, lord Somers, and lord Halifax.

<sup>12</sup> Journals Commons, November, December, January, February, passim; Journals Lords, passim, particularly 24th February. History of Europe, vol. viii. p. 17. vol. ix. p. 2.

oath,

oath, by withholding their allegiance from the pretender during the life of his sister. When the bill came to the house of lords, the Whigs not only stripped it of all ambiguity or cover for mental reservation, but rendered it the instrument of farther security to the protestant succession, by introducing an amendment, which made it treason to attempt defeating the succession to the crown according to the limitation of the late acts; and by extending its obligation to Ireland<sup>13</sup>.

In consequence of several abuses relative to the management of the revenue reported by the commissioners on the public accounts, lord Ranelagh, the paymaster of the army, was expelled the house of commons; and an address was presented by them to her majesty for prosecuting lord Halifax for breach of trust and neglect of duty. From the defences made by the supposed delinquents, there can be little doubt that these measures arose from the resentment of the party now in power, to whom lord Halifax was peculiarly obnoxious, both on account of his superior abilities, and his zealous exertions in the interests of their antagonists. Under this impression, the lords sent a message to the commons, desiring their consent for the commissioners of accounts to attend at the bar of the upper house, that they might have the opportunity of forming an impartial judgment concerning the grounds of an accusation which impeached the honour of one of their own members. The commons having refused to comply with this desire, the lords entered upon the examination of such facts as came within their own knowledge, and acquitted lord Halifax of the guilt imputed to him<sup>14</sup>.

Other

<sup>13</sup> M. Pherson's State Papers, 1703, vol. iii. p. 634. Dubl. 1775. Journals Commons, November, December, passim; Journals Lords, 5th February, & passim. Life of Bolingbroke, p. 81. Dublin, 1753. When the bill was returned with amendments to the commons, they were afraid of opposing them, lest they should fall under the suspicion

of being enemies to the Hanoverian succession.

<sup>14</sup> It was considered as informal and unprecedented to introduce a clause enacting a new species of treason in a bill regarding a matter of inferior weight.

<sup>15</sup> Lord Ranelagh had but a small personal estate, and was supposed to have laid out more money

1st Feb.

4th Feb.

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November,  
December,  
passim.

20th Jan.

Other measures calculated for public utility, and unconnected with the spirit and views of party, redounded to the credit of the house of commons with which they originated. Such were the bills for continuing the commissioners of accounts, and more effectually ensuring fidelity in the discharge of their trust; for preventing frauds in the stamp-duties, and obtaining regular statements of the profits arising from them. The commons also discovered a laudable independence, by refusing to comply with a recommendation from the queen, for settling a pension of five thousand pounds per annum on the duke of Marlborough and his heirs; because it might serve as a precedent for the partial and extravagant reward of merit, and entailing burdens on their posterity<sup>15</sup>. For the encouragement of domestic industry, and alleviating the loss occasioned to the manufacturers by the war, they addressed the queen to give directions for supplying her armies entirely with clothes and provisions from England. While the commons agreed to the addition of ten thousand foreigners to be taken into the pay of England for acting in conjunction with the allies, they qualified their generosity with the

money upon building, gardening, and superb furniture, than any person in England, which occasioned the suspicion of his having made free with the public money. He was charged with the misapplication of several sums, and of having fallen much behind in his accounts. It does not appear however, from the inquiry, that these charges had any just foundation. See Journals Commons, 29th January, 8th February, 4th and 6th March, 1704. He died while the inquiry was depending, and his place, which he had resigned, was divided between Mr. Howe and Sir Stephen Fox.

With respect to the case of Lord Halifax, the partiality of the commissioners was still more glaring, as it appeared, that his predecessors, during the three preceding reigns, had not perfected their accounts; and that the customary forms of the Exchequer, &c. obviously accounted for that delay, which was made the ground for accusing him. For a more full

account of this, see Journals Lords, 4th February, &c. History of Europe, vol. viii. p. 85, &c.

In compliance with the desire of the commons, the attorney-general instituted a prosecution against Lord Halifax, but it was afterwards dropt by order of the queen in council.

<sup>15</sup> Journals Commons, 16th December, &c. The earl of Marlborough had been lately created a duke, 28th November. He was thanked by both houses for his singular services; as were also, the duke of Ormond and Sir George Rook. Putting the two last upon the same footing with the duke of Marlborough was thought by his friends a lessening of his services; and was a prelude to that rupture between him and the Tories, which soon after ensued. History of the Reign of her late Majesty, p. 72. Lond. 1740.

express

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II.1703.  
5th Jan.  
18th Feb.

3d Dec.

express condition, that the States of Holland should discontinue all correspondence and commerce with France and Spain<sup>16</sup>. A bill passed in the lower house for the sale of the forfeited estates in Ireland, and for resuming the exorbitant grants which had been unwarily made by the late king; but a negative was put upon it by the lords.

Supplies were granted to the full amount of every demand for the purpose of the war; and the sum of one hundred thousand pounds per annum was settled upon Prince George of Denmark, in case of his surviving the queen<sup>17</sup>.

On the 27th of February the queen came to the house, and prorogued the parliament till the 4th of July.

Her majesty's speech upon this occasion contained an explicit approbation of the sentiments of the Tories; and gave a sanction which she could not afterwards revoke, to that rancour against the dissenters which had already begun to ferment in the minds of the people, and afterwards burst out into such tumultuary fury, as violated all public order and disgraced the name of religion<sup>18</sup>.

Since the close of the last campaign, some transactions had taken place which materially affected the interests of the contending powers.

The duke of Savoy, finding that he was not likely to obtain those advantages for his family which he expected from siding with France, and disgusted with the indignities with which he was treated by the French generals who served under him, began to give hints of his

<sup>16</sup> The States, in consequence of repeated applications from England, entered into resolutions about forbidding trade with France, but with such exceptions, that it was little interrupted; and they still continued to derive essential benefits from it during the whole course of the war. *Projets de deputez de Hollande*. Lamberti, tom. xii. p. 30. tom. xiii. p. 26.

<sup>17</sup> The whole supplies granted this session amounted to three millions, seven hundred,

twelve thousand, three hundred and eighteen pounds eleven shillings and fivepence.

<sup>18</sup> Her majesty said, "That she hoped such of her subjects as had the misfortune to dissent from the church of England, would rest satisfied with the act of toleration which she was resolved to maintain; and that those who had the happiness to be of that church would consider that she had her education in it, and would be sure to encourage it as by law established."

F

desire



CHAP. II. 1703. desire to be reconciled to the allies<sup>19</sup>. His ambassador at the court of Vienna was at great pains to insinuate specious apologies for his master's apparent desertion of the German interest, and for the admission of French troops into his dominions. He reminded the emperor of former proofs of the duke's attachment to him, which had not been duly regarded; and of his having effectually contributed to the promotion of the Austrian power in Lombardy. He magnified the services he was now capable of rendering the confederates, if encouraged to hope for such a recompence as might justify him for breaking the ties of affection. His demands appeared extravagant, but his alliance was essential to the recovery of what the emperor had lost in Italy, and it was easy for the latter to promise what he had not now in his power to bestow. Leopold engaged to transfer, to the duke, Montferrat, Mantua, and the towns of Alexandria and Valenza in the Milanese, and the country between the Po and Tanaro<sup>20</sup>.

8th Nov.

The king of Portugal was not long in following the example of the duke of Savoy. He had been prejudiced against the grand alliance, from the apprehension of an eventual union between the Spanish and Imperial crowns, which must have entirely subverted the independence of Portugal, and the sovereignty of the house of Braganza. But this apprehension being removed by the emperor's

<sup>19</sup> St. Simon, tom. vi. p. 263. 447. The marshal Villeroy seldom addressed the duke by any other title than that of *Savoy*, as if he had been a mercenary general in the French pay, and not an independent prince courted by the greatest potentates in Europe. Age of Lewis the Fourteenth, vol. i. p. 275.  
<sup>20</sup> Barré, tom. x. p. 421. Voltaire's Age of Lewis Fourteenth, vol. i. p. 281. Glasgow, 1763. This treaty was concluded on the 15th January 1703. The duke wished it to be kept secret till he brought off his troops in the pay of France; but the progress and circumstances of it were well known to the French king. St. Simon, tom. vi. p. 447. The

queen of Britain afterwards became guarantee for the fulfilment of the treaty between his Imperial majesty and his royal highness; and also bound not to consent to any peace to the prejudice of his right to the succession of the Spanish monarchy after the house of Austria, and to send him a present of sixty-six thousand, six hundred and sixty-six crowns (£.14,999 17s.); and to pay him a monthly subsidy of fifty-three thousand, three hundred and thirty-three crowns (£.11,999 18s. 6d.) during the continuance of the war. See Articles ii. vi. vii. Appendix to the History of Europe, 1705.

renun-

renunciation of all his personal claims upon the monarchy of Spain, he could no longer resist the liberal offers now proposed for extending his dominions, and for screening him at the same time from the resentment of the French king. The emperor, in name of his son the archduke, ceded, to the king of Portugal, Badajoz, Alcantara, Albuquerque, and Valencia in Estramadura; Bayon, Vigo, Tuy, and Gordia in Galicia, with the country beyond Rio de Plata in Peru; and also flattered him with the hope of the archduke's marrying his daughter the infanta. The English undertook to protect the trade and coasts of Portugal; and the emperor, the States, and the queen, jointly, to pay an army of eight thousand Portuguese, besides supplying him with reinforcements to the amount of twelve thousand men<sup>21</sup>.

While the grand alliance was thus fortified by the accession of the duke of Savoy and the king of Portugal, other circumstances conspired to disturb its internal union, and to check its vigour and activity. The princes of the empire who acceded to the confederacy, jealous of an increase of the Imperial authority, brought forward their assistance slowly, and with reluctance. Nor did the emperor himself furnish the full proportion of troops stipulated by the articles of the alliance; nor were those which he did furnish suitably equipped, or sent into the field at the early season requisite for carrying on an offensive war. An insurrection in his Hungarian dominions, fomented by the intrigues of the French court, drew off some of his choice troops and generals who had been destined to co-operate with the allied armies<sup>22</sup>. The cause of the allies in Germany as well as in Spain was rendered unpopular among the Roman catholics, who were persuaded by the officious zeal of their priests, that the war was intended by the States and by England,

<sup>21</sup> Barré, tom. x. p. 425. St. Simon, vol. vi. p. 447. This treaty was signed at Lisbon on the 16th May, and ratified at London on the 14th July.  
<sup>22</sup> Histoire de Louis, tom. v. p. 484. Prince Eugene was sent into Hungary to command the Imperial army against the insurgents.

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for the extension of the protestant faith. To establish this fact, it was speciously asserted that the French king had met with no opposition from any of his native subjects, except the Cevennois, who had conspired to withdraw their allegiance from him, upon the promise of being secured by the allies in the open profession of that religion. The effect of these impressions had become so alarming to the catholic members of the confederacy, as to render it necessary for the diet of Ratisbon to publish a manifesto, containing assurances of unshaken attachment to the religion of their country, and declaring that the war was undertaken solely for curbing the exorbitant ambition of the French king, which threatened the destruction of the liberties and independence of Europe<sup>23</sup>.

January. The elector of Bavaria having received large reinforcements of French troops, took the field before those of the emperor under the prince of Baden were in readiness to oppose him, and made himself master of Newburg, the capital of the dutchy belonging to the elector palatine<sup>24</sup>.

February. Marshal Villars left Strasburg, where his troops had been quartered during the winter, crossed the Rhine at the bridges of Hunninguen and Newburg. From this movement, the Imperialists were led to conclude that he intended to form a junction with the elector of Bavaria, and withdrew the greatest part of their troops from Brisach and Friburg to obstruct his passage through the Black Forest, so that he advanced with little obstruction to fort Kehl, which he invested<sup>25</sup>. The garrison after a spirited sally, in which many of the enemy were killed, capitulated. The Imperial troops under general Bibra, alarmed with the unexpected success of Villars, not only abandoned all the towns which they held in the valley of Kintzinguen, and the marquisate of Baden, and the forts they had erected

<sup>23</sup> Monthly Mercury, March 1703.

<sup>24</sup> Quincy, tom. iv. p. 44.

<sup>25</sup> Situated at the end of the bridge of

Strasburg, it afforded the army which possessed it a convenient passage over the Rhine.

on

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on the banks of the Rhine, but, from the terror of being cut off by a superior force, deserted their standards, and dispersed themselves in the adjacent woods<sup>26</sup>.

To retrieve these disadvantages, and prevent the junction of the French and Bavarians, the counts Schlick and Stirum entered Bavaria with an Imperial army in two detachments, the former through Saltzburg, and the latter through Newmark and the Upper Palatinate. Stirum defeated a body of Bavarian troops which attempted to stop his progress, and afterwards made himself master of Newmark and Amberg, the capital of the Upper Bavarian Palatinate. Count Schlick also had the good fortune to break into the Bavarian lines, and took Ried and several small places in that neighbourhood<sup>27</sup>. This success prevented the adjacent states of Suabia and Franconia from being seduced into a neutrality by the specious arguments of the elector; and confirmed the diet of Ratisbon in its former resolutions of adhering to the court of Vienna. These advantages were however counterbalanced by a victory, which the elector obtained over the army of count Schlick at Scharding; and by another over a detachment of count Stirum's army at Wells; after which Emhorf and Ratisbon surrendered to him<sup>28</sup>.

11th March.  
28th.  
8th April.

Marshal Villars, in the mean while, having been repulsed in an attempt for breaking through the prince of Baden's lines at Stollhoffen, in order to join the elector of Bavaria, conducted his army through the Black Forest, and effected his purpose at Dutlingen<sup>29</sup>.

May.

After the junction of the French and Bavarian armies, it was concerted between Villars and the elector, that the former should observe the motions of the prince of Baden, while the latter penetrated through Tirol, to intercept the communication between Germany and the Imperial army in Lombardy<sup>30</sup>. The forts of that mountainous district were naturally strong, but the garrisons placed

<sup>26</sup> Quincy, tom. iv. p. 45, &c. Memoires Louis, tom. v. p. 488, &c.

du Villars, tom. ii. p. 55.

<sup>27</sup> Quincy, tom. iv. p. 66, &c.

<sup>28</sup> Quincy, tom. iv. p. 74. Histoire de

<sup>29</sup> Quincy, tom. iv. p. 79. 81. Memoires

du Villars, tom. ii. p. 97.

<sup>30</sup> Quincy, tom. iv. p. 87.

CHAP. II. 1703. in them so weak, and so little aware of attack, that the elector in a few days made himself master of the whole country, and entered triumphant into Inspruc, the capital, where he laid the inhabitants under heavy contributions. Believing that he had surmounted every difficulty, he advanced towards the country of the Grisons, in full confidence of joining the duke of Vendosme, who was besieging Trent. But now the bravery of the Tirolian peasants effected what the regular army could not do. They rose upon the French troops, expelled them from the garrisons, and taking advantage of the ruggedness of the roads and the narrowness of the passes, cut off a great number of them; and obliged the rest to retreat with more rapidity than they had advanced<sup>31</sup>.

Though the military force of the French in Italy during this campaign exceeded that of the emperor, this advantage was not productive of any material success. Naples was under subjection to Spain; but the secret friends of the house of Austria were numerous, and the disaffection of the inhabitants daily increased from the cruelties inflicted by d'Escolona the Spanish viceroy, upon all the persons who were suspected of disloyalty to the duke of Anjou. Tyrannical oppressions, added to those awful calamities of nature with which this country was now visited, exhibit the most distressful scenes that occur in the history of human wretchedness<sup>32</sup>.

In Lombardy, the army of the emperor sustained an irreparable loss by the absence of prince Eugene, whose extraordinary talents were not supplied by those of count Staremberg, though the latter had the reputation of being an able and experienced general. Neither was the army under him furnished with recruits adequate to the waste it had suffered in the last campaign, and, being far inferior to that of Vendosme, could only act upon the defensive. It was fortunate however, that an uncommon fall of rain and snow prevented

<sup>31</sup> Quincy, tom. iv. p. 87. 89. Histoire de Louis, tom. v. p. 514—27.

<sup>32</sup> Several cities were destroyed by earthquakes in Abruzzo, and some thousands of the

inhabitants buried under their ruins; and not less than two thousand five hundred perished in Aquila, the capital.

the

CHAP. II. 1703. the duke from availing himself of this advantage, or undertaking any enterprise of importance during the winter. All he could accomplish, was to take St. Benedetto, and to get possession of the high grounds, from whence he annoyed the confederate army. When the season became more favourable, he sat down before Belfello with four battalions, which were occasionally relieved with fresh troops<sup>33</sup>. The fortress made a vigorous resistance for four months, but at length being reduced to the greatest extremity by the rage of disease and the want of medicine for the sick, it surrendered on capitulation, in consequence of which, the duke of Modena's country fell into the hands of the French<sup>34</sup>.

The subsequent expedition into Trent for the purpose of joining the elector of Bavaria, which, had it succeeded, must have been fatal to the interest of the emperor in Italy, proved, in the issue, fortunate for that prince, as it occupied a great part of the fittest season for action, and cost the duke of Vendosme some thousands of his best troops. After taking the castle of Torbole and Nago, and the towns of Riva, and Arco with its fort, he advanced to Trent, and began to bombard the city; but hearing of the direful fate of the elector's army in Tirol, he raised the siege, evacuated all the places he had taken in Trent, and retreated to the camp at St. Benedetto<sup>35</sup>.

The remaining efforts of the duke of Vendosme were devoted to carrying into execution the vengeance of the French king against his revolted ally. After seizing and disarming the duke of Savoy's troops in the French camp, he marched into Piedmont, and laid waste that country with merciless outrage<sup>36</sup>.

<sup>33</sup> St. Benedetto, a town in Mantua, near the south shore of the river Po. Belfello, in the duchy of Reggio, is situated at the conflux of the Lenzo and the Po.

<sup>34</sup> Quincy, tom. iv. p. 146, &c.

<sup>35</sup> Histoire de Louis, tom. v. p. 527. Cunningham, vol. i. p. 339.

<sup>36</sup> Histoire de Louis, tom. v. p. 527. Monthly Mercury, September, October.

These troops consisted originally of six thousand men in the pay of France, but had been reduced to three or four thousand. The stipulated time of their service having expired, the duke, agreeably to his secret treaty with the emperor, intended to recall them. They were seized by surprise, and afterwards dispersed in small parties through the French provinces. St. Simon, tom. vi. p. 451.

To

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1703.  
5th Sept.  
20th.

To return to the history of the war in Germany, the reunited armies of Villars and the elector, disappointed of a design they had formed of getting possession of Aufburg, by the prince of Baden's having unexpectedly marched to its defence, made a sudden attack upon a detachment of the Imperial army, commanded by count Stirum, which had crossed the Danube, near Hochstet, and obliged him, after considerable loss, to retreat under the cannon of Norlingen<sup>17</sup>.

24th.  
28th Oct.  
25th Nov.

The duke of Burgundy, assisted by marshal Tallard, commanded the French army at the Rhine, upon the side of Alsace. After having remained long inactive, he invested Old Brisach, which stood out for a month before it capitulated<sup>18</sup>. The duke, satisfied with the fame of this exploit, returned to Versailles; and Tallard, upon whom the command of the army now devolved, undertook the siege of Landau. The prince of Hesse advanced from Luxemburg with twenty-six squadrons and twelve battalions to raise the siege, and encamped within four leagues of the city of Spire<sup>19</sup>. He intended to attack the enemy in their lines, and waited only for ten battalions, which he expected to join him the day after his arrival. In the meanwhile, however, the marquis de Pracontal, from the Meuse, joined Tallard with a reinforcement of twenty-four squadrons, before the confederates had any intelligence of his approach. Encouraged by this unlooked-for accession of force, Tallard made a sudden attack upon the confederates, who were so little expecting it, that some of the officers were holding a festival in honour of the emperor's birth-day at Spire. The prince of Hesse discovered astonishing composure and bravery in rallying his men, and exposing himself to imminent danger at the head of his grenadiers, which once and again repulsed the French; but superiority of numbers at length prevailed; and, after the loss of five thousand men, and many officers of distinguished merit, the prince retreated to Dadenhoven,

<sup>17</sup> Histoire de Louis, tom. v. p. 519. History of Europe, 1703, p. 406.

<sup>18</sup> Quincy, tom. iv. p. 98.  
<sup>19</sup> St. Simon, tom. vi. p. 454.

and

and crossed the Spirebach<sup>20</sup>. This victory decided the fate of Landau. The count de Frize, desponding upon the overthrow of the forces which came to succour him, surrendered the town upon the same conditions which had been granted to Melac by the prince of Baden in the preceding campaign<sup>21</sup>. The success of the French in Germany was crowned by the acquisition of Aufburg, which, after having been bombarded seven days, surrendered to the elector of Bavaria, upon condition of the garrison being permitted to retreat to Nordlingen with a small part of its cannon and ammunition<sup>22</sup>.

While the events of the war in Germany were generally favourable to France, great success attended the arms of the confederates in the Lower Rhine. Rhineberg surrendered to count Lettum, lieutenant general of the Prussian forces, which opened to the allies the navigation of the Rhine from Cologne to Holland<sup>23</sup>.

The duke of Marlborough arrived at the Hague early in the spring, and, having concerted the plan of the campaign with the States, gave orders for the British and Dutch troops to assemble near Maestricht under monsieur Auverquerque, while, with the Prussian, Hanoverian, and Hessian troops, he undertook the siege of Bonn<sup>24</sup>. The great preparations made for this siege under the direction of general Cohorn, and the prodigious force brought

<sup>20</sup> Quincy, tom. iv. p. 127. 129. The French lost three thousand men and many brave officers in this engagement.

Most of the historians mention M. Pracontal's junction with M. Tallard as the cause of the success of the French. Feuquieres censures Tallard for having attacked the allies before he was joined by Pracontal; but, as in the description of the engagement he says the left wing was led on by Pracontal. I have followed the general account, and am led to conclude, either, that there must be some mistake in Feuquieres's description, or that Pracontal had been so near, that Tallard had laid his account with being supported by him after the engagement commenced. Compare Memoirs

of Feuquieres, vol. ii. p. 124. Histoire de Louis, tom. v. p. 521. Annals Anne, 1703, p. 147. History of Europe, vol. viii. p. 446.

<sup>21</sup> Histoire de Louis, tom. v. p. 521. History of Europe, 1703, p. 448.  
<sup>22</sup> Id. p. 480.  
<sup>23</sup> Id. p. 116.

<sup>24</sup> The principal city of the bishopric of Cologne, and the usual residence of the elector. The troops employed in the siege consisted of forty battalions of foot, and sixty squadrons of horse and dragoons; the artillery consisted of upwards of a hundred large cannon and thirty-six mortars. Lediard, vol. i. p. 146.

G

against



CHAP. II. 1703. against it, ensured speedy success. The town was attacked in three different places at the same time; one attack was directed against the fort on the opposite side of the Rhine, and the other two against the city and the outworks; no less than twelve thousand men being employed in each of these attacks. The trenches were opened on the 3d May, the fort was taken by storm, and the town surrendered on the 16th; capitulating for the garrison's being conducted to Luxemburg, with the exception of the German companies, which had the choice of enlisting with the confederates or returning home. The capture of Bonn cleared the Rhine of the French to Philipsburg<sup>45</sup>.

9th May. Villeroy and Boufflers, who had the joint command of the French army in the Low Countries, took the advantage of the absence of the confederates occupied in the siege of Bonn, and advanced towards Tongres, six thousand of the allies being encamped in its vicinity. This little army retreated under the cannon of Maastricht; and the garrison in the town, after a vigorous resistance, was forced to surrender at discretion<sup>46</sup>.

27th June. The duke of Marlborough, after the capture of Bonn, returned to the confederate army, that he might secure Liege, which the enemy intended to invest, and at the same time recover Tongres. Villeroy, upon his approach, abandoned Tongres, and eluded every attempt for bringing him to an engagement till he got within his lines. There remained therefore no prospect to the duke of obtaining any decisive advantage, but by forcing the enemy's entrenchments, which were strong and extensive, running from Namur to Antwerp, and covering the whole frontier of the Spanish Netherlands<sup>47</sup>. The conducting of this hazardous service was committed to baron Spaar, and generals Cohorn and Obdam, who were directed to make the attack on the same day in three different places, namely, opposite

<sup>45</sup> Monthly Mercury, May. Lediard, vol. i. p. 147, &c.

<sup>46</sup> Quincy, tom. iv. p. 9. Lediard, vol. i. p. 152.

<sup>47</sup> Kane, p. 42.

to Steken, Liefkenshoek, and Antwerp. Baron Spaar and general Cohorn succeeded. But the attempt of Obdam was defeated by an unexpected attack made upon him in his head-quarters at Eckeren, by Boufflers, who had been detached there. After sustaining a considerable loss of men, Obdam fled with great precipitancy to Lillo. His fears had magnified his danger, for, after his flight, general Sclangenburg, who commanded the Dutch, rallied the flying troops, and renewed the engagement with such bravery, that the enemy were forced to give way<sup>48</sup>.

After the battle of Eckeren, the duke of Marlborough advanced towards the enemy's camp at St. Job, expecting to bring them to a general engagement, which, it soon appeared, they were determined to avoid; and the Dutch deputies again opposing his forcing their lines, he invested Huy and Limburg, which were taken without any considerable loss of men<sup>49</sup>.

August.  
September.

Guelders, which had sustained a blockade for fourteen months, surrendered to the Prussians on the 17th December<sup>50</sup>.

By these several advantages, the allies obtained the entire possession of the Spanish provinces of Guelderland and Limburg, and the Dutch were made secure on every side except Brabant.

The operations of the fleets of the allies were generally unsuccessful and inglorious during this campaign.

Colonel Moor, the governor of Charlestown in South Carolina, had failed in an attempt to blockade St. Augustine on the coast of Florida, belonging to the Spaniards<sup>51</sup>. Depredations were committed by the English near Carthage, and at Trinidad in Terra Firma<sup>52</sup>.

March.

An expedition against Guadaloupe was conducted by colonel Codrington, governor of the Leeward Islands, the effects of which

<sup>48</sup> Quincy, tom. iv. p. 21, &c. The accounts of this engagement, given by the confederates and the French, are a direct contradiction to each other. Compare Hop's letter to the States, 30th June, with the letter from the French camp, 1st July. Histoire de Louis, tom. v. p. 504. Quincy, tom. iv. p. 21. Lediard, vol. i. p. 159.

<sup>49</sup> Id. vol. i. p. 168.

<sup>50</sup> Id. p. 177.

<sup>51</sup> Tindal, vol. v. p. 237.

<sup>52</sup> Id. p. 239.

CHAP. II. 1703. were destructive to the enemy, rather than profitable for the English. The town and fort of Bassé Terre were taken: the town was burnt, the fort razed to the ground, and the plantations and crop destroyed; but upon the approach of the French fleet, Codrington abandoned his conquest, and sailed to Jamaica<sup>51</sup>.

Vice-admiral Graydon was sent to the West Indies with four ships of the line and several transports, to collect what forces could be spared from the islands, for the purpose of attacking Placentia, and expelling the French from the Newfoundland trade; but his instructions having transpired, he found Placentia so well defended, that he did not even make any attempt upon it<sup>52</sup>.

Sir George Rooke had proposed sailing early in the season into the Bay of Biscay, to surprise some of the French ships on the coast of Spain; but he was ordered by the ministry to wait for the Dutch fleet, which did not arrive at the time expected; and retiring afterwards from the service on account of his bad health, the expedition was laid aside<sup>53</sup>. After Sir George retired, the command of the grand fleet was conferred on Sir Claudsley Shovel.

The several objects which it was destined to accomplish, were, to protect the coasts of Portugal, to make a descent on the coast of Spain, and to succour the insurgents in the country of the Cevennois, whose sufferings on account of their religion recommended them to the peculiar favour of the protestant allies<sup>54</sup>. In prosecution of these designs, a fleet, consisting of thirty English and fourteen Dutch men of war, sailed from Spithead in the beginning of July, and arrived at Lisbon on the 24th<sup>55</sup>. After remaining a few days

<sup>51</sup> Lettres Historiques, Aug. 1702, a la Hay.

<sup>52</sup> Id. 23d May. Lives of the Admirals, vol. iii. p. 52. Admiral Graydon, in his way to the West Indies, fell in with a part of the squadron under the command of monsieur Du Cassé, but did not attempt to engage it, for which he was censured by the house of lords, 23d March 1704. It appears, however, from

the opinion of the Admiralty-board, that he had acted according to the best of his abilities, and agreeably to his instructions. Lives of the Admirals, vol. iii. p. 53.

<sup>53</sup> Lives of the Admirals, vol. iii. p. 39. Tindal, vol. v. p. 305.

<sup>54</sup> Monthly Mercury.

<sup>55</sup> The failure of Sir Claudsley Shovel, in the accomplishment of those objects for which he

days on the Portuguese coast, it directed its course to Altea bay, where it received his catholic majesty on board, and sailed to Barcelona. But, notwithstanding of this assistance profered to the friends of the archduke, few appeared disposed to support his cause, and therefore the fleet sailed to Leghorn, where it arrived on the 3d September. Upon leaving Altea bay, the Pembroke and Tartar men of war were detached to the gulf of Lyons with arms and ammunition intended for the Cevennois, some French refugees and pilots being on board. When they entered the gulf, they made signals to the insurgents; but the marshal de Montrevel having brought a force to overawe them, the signals were not answered; and it being dangerous to keep the sea at that season, the Pembroke and Tartar set sail for Leghorn, where they joined the rest of the fleet<sup>56</sup>. 18th Sept. 23d Sept.

Sir Claudsley Shovel sailed from Leghorn on the 22d October, and having detached some ships of war to Tunis, Tripoly, and Algiers, for renewing peace with these states, he returned to Altea bay, where some of the Spaniards offered their services to king Charles, and setting sail in a few days, he arrived in the Downs on the 17th November<sup>57</sup>.

The most meritorious service at sea, in the course of this campaign, was performed by rear admiral Dilkes, who sailed from Spithead on the 22d July, in pursuit of a fleet of French merchantmen with their convoy; on the 26th he came in sight of them at anchor, about a league to the westward of Granville; took fifteen sail, burnt six, and sunk three. When the larger ships could not safely pursue the rest of them which stood farther into the bay, he

he was sent out, was imputed in a great measure to the backwardness of the Dutch fleet, which did not join him till the end of June; and, after all, fell short of the number of ships promised by them; so that both his force and the time allowed him for this service, for he was to return before the end of September, were inadequate to the designs projected.

<sup>58</sup> Lives of the Admirals, vol. iii. p. 41.  
<sup>59</sup> The archduke was proclaimed king of Spain at Vienna on 14th September, by the title of Charles III. which was notified to Sir Claudsley Shovel, upon his arrival at Leghorn, by the Imperial ambassador at the court of Rome.

dispatched

CHAP. II. 1703. dispatched a fire ship, with some small vessels and the boats manned, which completed his success. Two ships of war were burnt; one of eighty guns was brought off, seventeen merchantmen were destroyed, and of the whole fleet, four only escaped by getting under the protection of Granville fort<sup>60</sup>.

<sup>60</sup> Lives of the Admirals, vol. iii. p. 43.

### CHAP. III.

*Circumstances tending to diminish the Influence of the Tories.—Second Session of Parliament.—The Queen's Speech.—The Bill against occasional Conformity passes in the House of Commons—is rejected by the Lords.—Resolution of the latter to take into their own Hands the Examination of several Persons apprehended on the Suspicion of a Conspiracy.—The Commons remonstrate.—Both Houses address the Queen upon it.—Reflections.—Result of the Examinations carried on by the Lords.—The Case of Ashby and White.—Disputes between the two Houses on the Pretensions of the Commons to an exclusive Judgment in Cases of Election.—The Commons censure judicial Proceedings of the Lords.—Inquiry into the Condition of the Navy.—Remonstrances of the Lords against admitting, into the Commission of Peace, Persons who had not taken the Oaths to King William.—Supplies.—Account of a remarkable Storm.—Act for augmenting the small Livings of the Clergy.—Campaign 1704.—Effects of the War with respect to the allied Powers severally.—Dangerous Situation of the Emperor's German Dominions.—Preparations of the Duke of Marlborough for relieving them.—He defeats the Count d'Arco at Schellenberg.—M. Tallard joins the Elector of Bavaria,—and the Duke of Marlborough, Prince Eugene.—Advantageous Situation of the French and Bavarians in the Plain of Oberklaw.—Battle of Hochstet, or Blenheim.—Siege of Landau.—Brave Conduct of Laubanie the Governor.—It surrenders.—Treves and Trearbach taken by the Confederates.—Bavaria surrendered to the Emperor by the Electress.—*  
Backwardness

*Backwardness of the Portuguese in performing their Engagements to the Allies.—Success of the French and Spaniards in Portugal.—The Earl of Galway arrives there, and turns the Tide of Success.—Campaign in Italy.—The Duke of Savoy reinforced by General Staremberg.—Advantages gained by the Dukes de la Feuillade and Vendesme.—The Cevennois reconciled to the French King.—Disturbances in Poland.—Success of Admiral Dilkes on the Coast of Portugal.—Sir George Rooke makes an unsuccessful Attempt upon Barcelona,—but takes Gibraltar.—Engages the French Fleet in the Mediterranean.—Gibraltar invested by the French and Spaniards.—Relieved by Sir John Leake.—The Duke of Marlborough makes a Visit to the Court of Prussia.*

THE general tenor of the proceedings in the last session of parliament, as well as the private inclinations of the sovereign, seemed to ensure the established and growing influence of the Tories. The bill against occasional conformity, calculated for fixing their radical superiority in every part of the kingdom, was lost only by a single vote in the house of lords. The current of promotions still run strong in their favour, and cherished their hopes of obtaining, from the exertion of the prerogative, a majority in that house, and of removing every obstruction in future to their favourite measures.

Notwithstanding these apparent advantages, many circumstances now conspired to alienate the leaders in the administration from the counsels of the Tories; and to moderate that ardour of attachment by which the sovereign had hitherto distinguished them. The mutinous disposition of the people in Scotland, and the unsettled state of the succession there, together with the pretensions of a rival to the crown, supported by the arms of France, portended the approach of internal dangers, which the success of the British arms on

<sup>1</sup> Four new peers were created soon after the last prorogation of parliament, all of them in the Tory interest; and this gave the greater alarm, because it had been thrown out in the house of commons, upon the opposition of the

lords to the bill against occasional conformity, that it would be easy to find a remedy, alluding to the interposition of prerogative. Tindal, vol. v. p. 218.

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the continent could not prevent. From late discoveries which had been made to the ministry in Scotland, it appeared, that a plot had been carrying on for subverting her majesty's authority; that several persons, who were at the head of the most powerful clans in the Highlands, had entered into it, and only waited for foreign reinforcements to make an open declaration in behalf of the pretender<sup>2</sup>. Alarmed with intelligence which so nearly concerned her own safety and honour, the queen now became more cautious about degrading and irritating that party, which was disposed to co-operate in every measure for strengthening the protestant settlement, interwoven at this critical moment with her own personal interest.

The duke of Marlborough, now in the meridian of favour, and seconded by lord Godolphin, who was entirely subservient to his interest, did not omit so favourable an opportunity for working upon the fears of the queen, in order to undermine the influence of the Tories, whose leaders were envious of his prosperity, and averse to that system of public measures, which both the ambition and the interest of the duke led him to pursue<sup>3</sup>. The effects of the circumstances now recited, with respect to the state of parties, and the disposition and influence of the court, were conspicuous through the whole series of business pursued in the ensuing session of parliament, which opened on the 9th of November 1703.

Her majesty informed both houses of the treaty she had made with the king of Portugal, and of the duke of Savoy's having declared war against France; and said that as these fortunate events had been promoted by their cheerfulness in supporting the war, so they afforded the prospect of bringing it to a speedy conclusion. She solicited supplies to defray the necessary charges of the army and navy, and to pay the subsidies promised to her allies. She expressed her earnest desire of seeing all her subjects united among themselves;

<sup>2</sup> See Chapter IX.

<sup>3</sup> Conduct of the Dukes of Marlborough, p. 141.

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and requested them to avoid those heats and animosities, which would disappoint her of that satisfaction, and give advantage to the common enemies of church and state. The words, with which her majesty concluded, were obviously intended as a public renunciation of those sentiments with respect to the question of occasional conformity, which she had formerly declared to her ministers, and alluded to in her speech at the close of the last session.

Corresponding with the prevailing disposition of the two houses, was the spirit of their separate addresses in answer to the royal speech. The commons promised *to avoid heats and divisions*; and the lords not only to *avoid*, but to *oppose* whatever might have any tendency to create disquiet or contention among her subjects<sup>4</sup>.

The journals of this session are chiefly filled with the detail of contentious and angry disputes which subsisted between the two houses. Distrust and resentment, from which neither were free, rendered both acutely jealous of their respective privileges, and precipitate in assigning the most dishonourable motives to the measures which each of them severally pursued. Deliberations upon affairs of the greatest national moment gave place to passionate recriminations, and to elaborate addresses and representations, framed for obtaining the approbation of the sovereign and the favour of the people, to the prejudice of their antagonists.

The Tories lost no time to introduce their favourite bill against occasional conformity. But, notwithstanding the mitigation of its penalties, and other important amendments, in order to remove those objections which had obstructed its success in the preceding session, it encountered a violent opposition in the house of lords, and was rejected, after the second reading, by a majority of thirteen votes. Its friends were not more mortified with this repulse, than they were with the change of popular sentiment, testified upon that occasion by the tumultuary rejoicings of the London citizens<sup>5</sup>.

<sup>4</sup> Journals Lords, 9th; Journals Commons, 11th November. <sup>5</sup> Annals Anne, 1703. p. 189.

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The most interesting dispute between the two houses arose from the information communicated to them by the queen in person, concerning ill designs, which had been carried on by the emissaries of France against the peace of the kingdom. The suppression of a subject of so alarming a nature, at the opening of the session, and the reluctance and reserve of her ministers in imparting to the two houses the information which they had themselves obtained, excited a general suspicion of their having been deficient in vigilance and activity; and of their being still unwilling to proceed in this business with diligence and vigour adequate to the magnitude of impending danger<sup>6</sup>.

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The commons, with an unreserved confidence in the wisdom and fidelity of her majesty's ministers, were inclined to leave this affair entirely in their hands. The lords, very differently impressed by the circumstances already mentioned, appointed a committee of their own members, to proceed in the examination of those persons who had been apprehended by her majesty's messengers. To apologize, in some measure, for the precipitancy of this resolution, they thanked her majesty for her promise to communicate to them every information she received concerning the designs of her enemies, and expressed hopes that their zeal would be acceptable to her, and contribute to the public security<sup>7</sup>. The other house, upon hearing of this resolution, appointed a committee of their members to search the journals of the lords for precedents in similar cases, and after hearing their report, presented an address to her majesty, remonstrating against the conduct of the lords, as disrespectful to her majesty's ministers, and injurious to her own prerogative<sup>8</sup>. The lords also complained

<sup>6</sup> A strong suspicion prevailed at this time, that the queen was not fond of carrying on prosecutions against any of her subjects, on account of their connexion with her brother-Guthrie's History, vol. x. p. 357. Lond. 1767.  
<sup>7</sup> Journals Commons, 21st December, postum. Journals Lords, 17th, 18th, 20th Dec.

<sup>8</sup> The lords, upon searching their journals, found no less than fifty cases which they considered as precedents in the present business. Journals Lords, 28th March. The commons indeed made a distinction; they did not deny, that the lords had a power of taking into custody, persons accused of criminal matters; but

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complained to the queen of the injustice of the charge brought against them by the other house; and vindicated their right of interfering in criminal matters, and the salutary effects of their exercising it in the present case. This representation of the lords was soon followed by another from the commons, which was not more exceptionable for its reproachful animadversions on the conduct of the former, than for the fulsome adulation it paid to the person and authority of the sovereign.

The behaviour of the queen during this contest was no doubtful indication of the declining influence of the Tories in the cabinet. Although the general strain of the addresses of the lower house, dictated by the leaders of that party, must have been more soothing to royal ears, yet were they not distinguished by any marked testimony of her majesty's approbation. The evils which might arise from accelerating examinations, and pre-occupying the duty of ministers, were sometimes hinted at in her answers to the lords; but as they persevered in following up their resolutions, the queen received the alternate and counter-representations of both

but denied that they had any right to examine the prisoners of the crown without her majesty's consent.

The final resolution of the lords was, that it appeared to them, that there had been a dangerous conspiracy carried on for raising a rebellion in Scotland, and invading that kingdom with a French power, in order to bring in the pretended prince of Wales. Journals Lords, 22d March.

The evidence upon which the lords founded their judgment, consisted of the examinations of the suspected persons, and of some of their correspondents who resided at Paris, of intercepted letters of captain Fraser's, and of gibberish letters, addressed to some Scottish noblemen in the interest of the pretender.

From comparing attentively these several grounds of evidence, it appears, that great

disagreement subsisted among the friends of the pretender, both at St. Germain's and in Scotland; that the court of St. Germain's entertained the hopes of being served by some persons of rank in Scotland, but that these were founded upon the construction put upon their conduct in parliament, rather than upon any explicit assurances from themselves; that, though a few of the nobility and gentry in Scotland might have been pleased with the restoration of the lineal heir, yet no plan had been as yet concerted for that purpose, and that Fraser's information to the court of St. Germain's, was altogether unfounded. See Colin Campbell's Declaration, Dec. 21, 1703, in the collection of papers about the Scottish plot, p. 21. London 1724. See also Chapter IX.

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houses

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In order to judge impartially concerning the conduct of individuals, or parties, who have taken a warm side in questions of constitutional importance, we ought to distinguish between the propriety of moving such questions<sup>10</sup>, and the opinions delivered on their intrinsic merit after they have been brought forward. Admitting the jealousy which the lords entertained of the proceedings of the ministers respecting the plot to have been unfounded and premature, yet, from the moment the commons impugned the right of the upper house to interfere in criminal business, it became an indispensable duty to vindicate and exercise it. Were not such a power vested in both members of the legislature separately, the responsibility of ministers would be abrogated, and it would require no great ingenuity to supersede inquiry, and stifle the evidences of delinquencies to which they themselves had been accessory.

Eager as the commons were to combat the upper house in every point that could afford any handle for dispute, and indignant on account of the smallest apparent disrespect to the regal authority, it was not to be expected that they would endure any infringement of their own peculiar privileges, or enter with coolness upon the examination of any question connected with that subject. A recent decision of the lords in a cause originating at the general election furnished the commons with appropriate ground of complaint, and proved the occasion of heightening and prolonging the animosity which subsisted between the two houses. Matthew Ashby,

<sup>9</sup> Journals Commons, 21st passim, 29th February, 3d March. Journals Lords, 18th January.

<sup>10</sup> It may be fairly admitted, that the ministers, however earnest in prosecution of the plot, might have sufficient reasons for postponing the discoveries which they had made. By giving an alarm to some of the guilty persons or their friends, it might have pre-

vented that accession of evidence which was necessary to convict the former. This reason was assigned by the earl of Nottingham, 19th February and 6th March, for keeping back a part of the papers from them. Some of the papers, namely, the letters to Kiech under the fictitious name of Smith, were not communicated to him, till after the lords had taken the examination into their own hands.

a voter

a voter in the burgh of Aylesbury, had brought an action against the constables for refusing to take his vote. The cause was tried at the assizes in Buckinghamshire, and the constables were cast with damages. In arrest of judgment, it was moved in the queen's bench that the action *did not lie*, which was admitted, and a sentence was given for the defendants. The plaintiff brought a writ of error against this sentence, and the cause was argued at the bar of the house of lords, who found, agreeably to the opinion of a plurality of the twelve judges, that the decision of the queen's bench was wrong; and that the plaintiff had a just ground of action at common law. The judicial interposition of the lords, in this instance, was considered by the commons, to be such an insolent and daring usurpation of their established rights, as required a more effective resistance than that of argument and remonstrance. They resolved, not only, that the plaintiff had been guilty of a breach of the privilege of the house, by resorting to common law, but that every person, who had assisted in his cause, was involved in the same guilt<sup>11</sup>. The house of lords, on the contrary, maintained the competency of their own jurisdiction in this and all similar cases, and condemned the power assumed by the commons, as tending to control the law and impede the course of justice.

Not satisfied with standing upon their own defence, the commons retaliated by directing their censure against other judicial proceedings of the house of lords. They resolved, that the upper house had exceeded its power, and introduced a precedent dangerous to the constitution, by overruling an order of the exchequer in compliance with a petition from one of its own members<sup>12</sup>.

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<sup>11</sup> Journals Commons, 26th January. This prosecution was carried on at the instigation and expence of the earl of Wharton. Life of Wharton, p. 44, 50. London 1715.

The constables acted under the direction of sir John Packington, who had the management of the burgh; and as he had hitherto

been a successful supporter of the Tory candidates, the house of commons, of which the major part was in the same interest, interposed in behalf of the constables, under the pretence of zeal for privilege.

<sup>12</sup> Journals Commons, 28th January. The commons resolved, that the lords had acted illegally

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27th March.



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29th Feb. An inquiry was instituted by the lords into the condition of the navy, which terminated in an address to the queen, specifying various instances of mismanagement; and complaining of the misconduct of admiral Graydon, who was dismissed from her majesty's service<sup>14</sup>.

31st March. Agreeably to that respect, which the lords had uniformly professed for the memory of king William, they remonstrated to the queen against admitting into the commission of the peace any of those persons who had declined taking the oaths to him; and entreated that such only as were known friends to the protestant succession might be intrusted with an office essential to the safety of the constitution and the fair dispensation of justice<sup>15</sup>.

27th Nov. The commons granted supplies with great liberality, and provided for the pay of the additional forces which had been voted the preceding session<sup>16</sup>. The sudden destruction of a great number of ships

gally by taking cognizance of a petition of lord Wharton, complaining of an order of the court of exchequer, 15th July 1701, for filing the record of a survey of the honour of Richmond in the county of York, and that it tended to subject the rights and properties of all the commons of England to illegal and arbitrary power. Journals Commons, 28th January.

The lords resolved, that such interference on the part of the commons, was an usurpation of a judicature to which they had no pretence. Journals Lords, 27th March.

<sup>13</sup> Journals, Lords and Commons, Feb. March, passim. The lords expunged the name of Mr. Bierly, because he had not cleared the accounts of his own regiment. They put another in his place, and added two more, who were not members of the house of commons.

<sup>14</sup> Besides the alleged misconduct of the admiral for not fighting four French ships, which he met with in his passage to the West Indies, a complaint was entered against him by the Jamaica merchants, for his disorderly proceedings, by pressing a great number of the seamen and inhabitants of Jamaica, and for his severe usage of the masters of the ships under his convoy. Journals Lords, 23d March.

<sup>15</sup> Sir Nathan Wright, the lord-keeper, being a zealous Tory, had taken great liberty in moulding the commissions of the peace according to the inclinations of his own party. Conduct of the Dukes of Marlborough, p. 147.

<sup>16</sup> The total of supplies this session amounted to four millions two hundred and twenty nine thousand, eight hundred and sixty-six pounds, eighteen shillings, and eleven pence.

belonging to the royal navy, by a dreadful storm on the coast of England, required an enlargement of the supply, which the commons cheerfully granted; and at the same time recommended to her majesty the making a provision for the families of the seamen who had perished in the storm<sup>17</sup>.

Although the conduct of the queen, in withdrawing her support from the bill against occasional conformity, had disappointed the expectations of violent churchmen; yet her attachment to the establishment had not abated, and her kindness to its ministers was more wisely displayed by a renunciation of her right to the first fruits, to be applied in future for augmenting small livings. Her majesty made choice of the anniversary of her birth-day for recommending to the commons the necessary steps for making effectual her benevolent intentions to the clergy; and they lost no time in perfecting a work so agreeable to their own inclinations<sup>18</sup>.

On

<sup>17</sup> This storm began at eleven o'clock in the evening of the 26th November, and continued till seven next morning, the wind blowing W. S. W. During the intervals of the most violent gusts of wind, a sound was heard like that of distant thunder, accompanied with vivid flashes of lightning. Many chimneys and roofs of houses were blown down, and several entire buildings levelled with the ground. A prodigious number of trees were torn up by the root; and some of the largest size were broken off in the middle. Some massy spires were driven from the steeples; and the lead which covered the tops of houses and churches, was rolled up like scrolls of parchment, and carried to a great distance. Many families were crushed under the ruins of their own houses, and multitudes bruised and wounded. A great number of vessels were lost upon the coast, and in the channel; and at London Bridge, the river was dammed up with the wreck of barges and boats. Sixteen ships of the navy were lost. As some of these were in the harbours, the loss of lives, amounting in all to one thousand five hundred and

nineteen, was not so considerable as might have been expected from the number of ships. The effects of this storm were little felt in the northern parts of England.

<sup>18</sup> Journals Commons, 7th February. By this act, the queen was empowered to incorporate such persons as she thought fit, and to settle upon them the first fruits of all benefices, for the maintenance of the ministers of the church of England not sufficiently provided for. This corporation was also qualified to receive estates and goods from other persons, for the same pious end.

The first fruits, or the first year's whole profits of the benefice, and the tenths, or the tenth part of the annual produce according to a valuation made in the reign of Edward III. were originally imposed by the pope upon the beneficed clergy, for the purpose of supporting the holy war; and after that pretext ceased, it became a standing branch of the papal revenue. When Henry VIII. began the reformation, he remitted this tax, as a lure to gain the support of the clergy; but his rapacity, the primary incentive of his zeal, rendered

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On the 3d of April, her majesty came to the house of peers, where the commons attended. She thanked both houses for their zeal in supporting the war; and the commons particularly for their dispatch and liberality in granting the supplies; but regretted that her recommendations to unity had not been entirely complied with; after which the parliament was prorogued.

Some important changes in the ministry took place at the end of this session, which published to the nation the declining interest of the Tories<sup>19</sup>.

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The Netherlands had been hitherto the busiest scene of the war; and the success, obtained there, redounded chiefly to the benefit of the United States. Their frontiers were enlarged, obstructions to their trade removed; and from the repair and extension of their fortifications, they were now placed in a condition to defend themselves, with an inferior force, against the incursions of the French troops.

5th Jan.

Of all the members of the confederacy, the situation of the emperor was the most critical and perilous. The elector of Bavaria was master of the Danube as far as Passau, which he had taken while the Germans were in winter quarters. Some of the members of the Germanic body were wavering and of doubtful fidelity; and the assistance of the rest was tardy, and restricted, and nowise adequate to the impending emergency of his affairs. Prince Ragotzki, at the head of the Hungarian insurgents, had been successful in several conflicts with the Imperial troops; had got possession of many forts

rendered him incapable of foregoing any pecuniary advantage sanctioned by the example of the Roman see; and he afterwards obtained an act of parliament for transferring the first fruits to the royal revenue. All the livings, in number five thousand five hundred and ninety-seven, under fifty pounds per annum, were exempted from the payment of first fruits and tenths. The amount of this bounty is calculated to be eleven thousand pounds per annum. Blackstone's Commentaries by Chris-

tian, vol. i. p. 286.

<sup>19</sup> The earl of Nottingham resigned his office of secretary of state, which was conferred upon Mr. Harley. Mr. Blithwait was removed from the post of secretary at war, and succeeded by Mr. St. John. The earl of Jersey was displaced, and the earl of Kent recalled to the office of chamberlain. Sir Thomas Mansel succeeded sir Edward Seymour as comptroller of the household.

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and towns on the East frontier of Germany, and threatened to carry his arms to the metropolis of the empire<sup>20</sup>.

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The alarming condition of the Imperial dominions was pressingly recommended, by the emperor's ambassador, to the consideration of the court of England, upon whose power and activity he chiefly depended for deliverance<sup>21</sup>. The duke of Marlborough, who may now be regarded as prime minister, as well as captain-general of England, was fully persuaded of the importance of employing the strength of the combined forces in the heart of Germany during the ensuing campaign, and of compelling the French to evacuate the territories of the elector of Bavaria. The plans formed for accomplishing this design, he prudently concealed till the very eve of execution, lest they should be counteracted by the preparations of the French generals, or opposed by the assembly of the States, ever jealous of the smallest preference given to the German interest. Nay, he artfully decoyed the former into a misapplication of labour, and diverted their forces from the quarter destined for his operations, by directing the great body of the confederate troops to march to the Moselle, and spreading reports of his intention to invade the French frontiers on the side of Lorraine<sup>22</sup>.

The duke set out from the Hague 5th May, and, passing through Utrecht and Ruremond, came to Maestricht, where the grand army was collected. He gave orders for all the auxiliary troops which could be spared from the garrisons, to march to Coblenz, at the confluence of the Rhine and Moselle; and following them there, he communicated to monsieur d'Amilo, envoy extraordinary from the States, and to count Ratislav, the Imperial ambassador, who had visited the camp on his return from London to Vienna, his design of joining the army of the prince of Baden, and of penetrating into

25th May.

<sup>20</sup> History of Europe, vol. ix. p. 77. Monthly Mercury, September, October, November, December, 1703.

queen 2d April 1704.

<sup>21</sup> Kane, p. 43. The duke communicated his plan of the campaign only to the queen, the treasurer, and the grand pensionary.

<sup>22</sup> Memorial of Ratislav presented to the

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Bavaria. For this purpose he crossed the Rhine, the Maine, and the Neckar, and advancing towards the Danube, through an immense track of country, joined the Imperial army under the prince of Baden at Westerfleten; after which, the combined armies approached within two leagues of the camp of the elector of Bavaria; and, continuing to march in sight of his entrenchments at Dillingen, encamped at Amerdingen and Onderingen<sup>21</sup>. From thence the duke advanced with a part of his army to attack the count d'Arco, who was posted with eighteen thousand men at Schellenberg, a rising ground near Donawert, where he was carrying on strong entrenchments for opposing the Imperial army in their progress to Bavaria. On the 2d of July, the English and Dutch infantry began the attack upon these entrenchments; and at first met with so warm a reception, that they were staggering and losing ground, when, fortunately, a reinforcement of some German battalions, commanded by prince Lewis and general Goor, arrived; after which the enemy was repulsed with great slaughter, and the entrenchments taken. Count d'Arco fled with the greatest part of his army towards the Danube, and a bridge, over which they were passing, breaking down, many were drowned in the river; and the rest of them escaped into the woods near Neuburg<sup>22</sup>. In consequence of this defeat the Bavarians were forced to evacuate Donawert and Neuburg; Rain and Fridberg surrendered to the confederates after a short resistance, and Aich was taken by storm<sup>23</sup>.

Overtures were now proposed by the duke of Marlborough to the elector of Bavaria, with the view of separating him from the French;

<sup>21</sup> Lediard, vol. i. p. 190. 197. The allied armies now amounted to eighty thousand men. The elector's army, and the French, which had joined them at Dillingen, did not exceed seventy thousand, but were soon augmented to a superiority by a reinforcement under Tallard. Kane, p. 44. Military History of Marlborough, p. 56.

<sup>22</sup> Kane, p. 44. Lediard, vol. i. p. 209.

Quincy, tom. iv. p. 252, &c. The enemy lost six thousand men in this engagement, and the confederates had above five thousand killed and wounded; in which number were many brave officers; and generals Goor and Beinhelm, in the Dutch service. Lediard, vol. i. p. 217.

<sup>23</sup> *Idem*.

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but, though he seemed to listen to them with a favourable ear, he only meant to amuse the confederates; and finally rejected all terms of reconciliation when he heard of the approach of the marshal Tallard with a fresh army to his assistance<sup>24</sup>. Notwithstanding the vigilance of prince Eugene, this reinforcement had made its way through the Black Forest, and being joined by the elector near Ulm, rendered the united armies of the French and Bavarians superior to those of the duke of Marlborough and prince Lewis. This event suggested to the duke the necessity of joining prince Eugene, who was in danger of being overwhelmed by a stronger force, while prince Lewis was carrying on the siege of Ingolstadt<sup>25</sup>.

The day after the confederate armies had joined and encamped at Munster, they were informed that the French and Bavarians had reached the plain of Oberklaw, and were occupied in fortifying the adjacent eminence of Hochstet. The ground was singularly advantageous for an encampment, having, on the right, the Danube and the village of Blenheim, on the left, the wood of Schellenberg, and in front, a large valley, which extended to the distance of two leagues, in which were dispersed a few villages, capable of fortification. It was also intersected by several rivulets which run from the mountains. These were, in some places, hemmed in by steep banks, and, in others, by overflowing the plain, they formed a fort of meadow or marshy ground, where they discharged themselves into the Danube<sup>26</sup>.

<sup>24</sup> Barré, tom. x. p. 447.

<sup>25</sup> The principal magazines of the elector were at Ingolstadt; and it would have been dangerous to have attacked his army entrenched under the cannon of Aufburg. It was fortunate that the duke found so plausible a pretext for detaching the prince of Baden, who, from his advanced years, had grown averse to that boldness of enterprise which the present state of the war required; and being a bigoted papist he did not act cordially with

protestant allies. It had been agreed that the duke and the prince should alternately preside in the confederate camp, which would probably have been productive of discord, and might have prevented the duke's project of attacking the French and Bavarians at Blenheim, which was afterwards crowned with such illustrious success. Barré, tom. x. p. 445. Kane, p. 47.

<sup>26</sup> Kane, p. 49. Quincy, tom. v. p. 268. &c. Military History of Marlborough, p. 58.

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The obvious advantages, accruing to the enemy from a position which would be daily made stronger, furnished the duke of Marlborough with powerful reasons for running great hazards to bring them to a general engagement with the utmost possible expedition. His own army was in high spirits from the victory it had obtained at Schellenberg, and from being reinforced by a junction with prince Eugene. Retaining their present encampment, which would soon be made impregnable, the enemy had it in their power to lay waste a great part of the neighbouring circle of Franconia, and to prevent the confederate army from obtaining supplies of forage and provisions, which already had grown scarce; and by acting in concert with the marshal Villeroy, who was advancing to the country of Wirtemberg, they might establish a free communication between the Rhine and the Danube, and reduce all the country as far as the Maine<sup>29</sup>.

13th Aug. In order to understand the dispositions made by the duke of Marlborough for attacking the enemy, it is necessary to be acquainted with theirs, to which it was adapted with wonderful skill and foresight. The French and Bavarian army, upon the approach of the confederates, formed into two bodies. Forty-eight squadrons and ten battalions, commanded by Tallard, were drawn up at the head of the plain, half a mile distant from the marshy ground, through which the confederates had to pass. The elector of Bavaria with his own troops, and the marshal de Marfin with the French, took their station upon the left, nearer to the woods, and close to one of the rivulets that runs through the plain. Twenty-eight battalions and twelve squadrons were thrown into the village of Blenheim, which stood on the side of the Danube, in front of the right wing; and these troops were intended, not only for the defence of the village, but, in case the left of the confederate army should attack Tallard, to fall on its rear. Eight battalions were

<sup>29</sup> Military History of Marlborough, p. 58. Feuquières, vol. ii. p. 131.

posted

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posted in the village of Oberklaw, which were either to join the troops in Blenheim, or to serve as a corps de reserve, as the fortune of the battle might require. A few battalions were also stationed at two mills, between Blenheim and Oberklaw; the villages in the plain, unoccupied by the army, were set on fire, to prevent their being seized by the confederates<sup>30</sup>.

The confederate army was divided into two bodies; prince Eugene, at the head of the Imperialists, drew up to the right, opposite to the left wing of the enemy, commanded by the elector and Marfin. The duke of Marlborough on the left, at the head of the British and Dutch troops, having passed the river Kessel, marched along the side of the Danube, through the plains of Blenheim, towards the right wing of the enemy, headed by the marshal Tallard.

The duke of Marlborough had penetrated into Tallard's design to entice him across the plain, and receive him in front, that the troops in Blenheim might fall out upon his rear. The duke therefore, instead of advancing with the whole of his left wing against the enemy's right, detached a body of troops to attack the village of Blenheim, where the battle was begun at ten o'clock. The British troops were employed on this arduous service, and having, after repeated gallant attempts, failed in storming the village, they took such a position within an hundred paces of it, as enabled them, with a force greatly inferior, effectually to block up that part of the French army which was posted there.

The duke, having secured this important point, immediately passed the marshy ground, preceded by his cavalry, and made such a brave and spirited charge upon the right wing of the enemy, as obliged it to give way. The destruction of the enemy's cavalry on the right was almost complete, and such of them as escaped the sword, were pushed into the Danube, or made prisoners. The right wing, under prince Eugene, which had been frequently re-

<sup>30</sup> Feuquières, vol. ii. p. 131. St. Simon, tom. vii. p. 37.

pulled



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pulsed by the left of the enemy, animated by the success of their associates, and strengthened by reinforcements, renewed the battle with the greatest alacrity and vigour, put their antagonists to flight, and followed them till the night put an end to the pursuit<sup>31</sup>.

Although the highest praise be due to the duke of Marlborough, who not only concerted all the previous arrangements with a masterly discernment; but, with readiness and composure, issued such orders as were adapted to the unforeseen accidents and difficulties which occurred in the moment of action; yet it may be easily perceived, that the errors and misconduct of the enemy's commanders contributed, in no small degree, to the fortunate conclusion of the battle<sup>32</sup>. If the marshal Tallard had taken his station nearer the bottom of the plain, he might have prevented the right wing of the allies from making its way through the marshy ground, for the cavalry could only pass in small parties, and with the assistance of pontoons; or if he had advanced with the right wing against the detachment, which began the action at the village of Blenheim, he might have driven them back before the duke of Marlborough had time to form the great body of his troops on the plain, and to advance to their assistance. After that detachment had desisted from the attempt upon Blenheim, it seems the marshal was not aware, that the force he had posted there would be confined in the village, and the rest of the confederate army behind was not only allowed to cross the morafs, but to draw up, and approach in the most orderly

<sup>31</sup> Account of the battle of Hochstet. Lond. 1704. *Appendix*, N° II.

<sup>32</sup> A great share of the merit of this victory was imputed to the prince of Hesse, for his uncommon celerity in sustaining the troops which made the first attack upon Blenheim, and Oberklaw, and to general Bulaw, commander of the troops of Lunenburgh, who charged the enemy's horse with such vigour as gave time to the confederates, who had passed the rivulet, to form. Tindal, vol. vi. p. 549. *Histoire de Louis*, tom. v. p. 574—6.

The duke of Marlborough, for his meritorious services to the emperor, was made a prince of the empire; and next year, 22d November 1705, Mindelheim was erected into a principality, and assigned to the duke, who was consequently distinguished by the title and title of the prince of Mindelheim. Tindal, vol. vi. p. 58. *Monthly Mercury*, Nov. 1705. The confederates had five thousand killed and seven thousand wounded. Compare Lediard, Kane, Quincy. See account of the loss of the enemy, *Appendix*, N° II.

arrangement.

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arrangement. Some batteries indeed had been placed opposite to the morafs, but as they produced no material effect, it should seem, that the marshal did not seriously wish to intercept the confederates there, but rather to allow them the opportunity of coming to a close engagement, which he expected to terminate gloriously for his country. The weak front of the French and Bavarian army, from the detention of the troops which had been placed in Blenheim, and the distance of the two wings, which was still widened by the confederates pressing upon their inner flanks and forcing them to give way in opposite directions, prevented them from reciprocally affording each other that succour, which might have enabled them to recover the ground they had lost. The placing so many of his troops in Blenheim, produced effects contrary to what Tallard expected; and proved, from his opponent's discernment, the cause of his defeat. For the duke of Marlborough, finding that he could not dislodge them, directed a detachment of his army to shut them up, which an inferior number was able to perform, as they could only come out of the village in defile, and through narrow passes. Such a proportion of the French troops being thus set aside, the army of the allies, actually engaged, became superior to that of the enemy<sup>33</sup>.

The incumbrance of a multitude of prisoners, of whom a great proportion, who had been stationed in Blenheim, were fresh in consequence of their having no share in the fatigues of the engagement, as well as the approach of night, made it necessary to restrain

<sup>33</sup> Feuquières, vol. ii. p. 139, &c. Quincy, tom. iv. p. 272, &c. *Political Annals*, vol. ii. p. 31. Some authors say, that the French General intended to have made the attack, if the allies had not come to them; (*Histoire de Louis*, tom. v. p. 570.) and that Tallard was so confident of success, that he said, "Let them pass; the more there comes over, the more we shall have to kill and take prisoners." Lediard, vol. i. p. 241. But other historians affirm, that he had given po-

sitive orders not to let the enemy pass the rivulet, but to charge them as they passed, which orders were not executed. Letter from a French General to Monsieur de Chamillard, Minister of State in France. Id. 276.

St. Simon imputes the loss of the battle to the inactivity of the troops in Blenheim, and the failure of ammunition, the ammunition waggons having moved off without leave being granted them; tom. vii. p. 39, &c.

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the ardour of the conquerors in pursuit of the enemy<sup>34</sup>. The immediate effects of this victory fully answered the expectations of the confederates. Ausburg was quickly abandoned by the French; the garrison of Ingolstadt surrendered; and Ulm, where the elector of Bavaria had retreated with the wreck of his army, was taken after a short siege<sup>35</sup>.

The siege of Landau, which was undertaken in compliance with the earnest request of the prince of Baden, was long protracted by the unfavourable season<sup>36</sup>, and by the heroic intrepidity of Laubanie, the governor, animating the defenders to make exertions, which astonished the besiegers, and interrupted the career of the victorious allies<sup>37</sup>. The king of the Romans, who had arrived in the camp at Landau, was ambitious of the fame of taking it a second time, and sent a trumpet to Laubanie, exhorting him to surrender the place, before he was buried under its ruins. The brave Laubanie replied, that such an honourable funeral, as that which he had threatened, was to him an object of ambition, and not of terror; but nevertheless, from the love he bore his country, he would postpone it as long as possible. He kept his word, and disputed every inch of ground with a heroic obstinacy. While giving his orders, he was deprived of his sight, by the gravel thrown into his eyes in consequence of a bomb having struck the bottom of the palisade where he stood, and a splinter rebounding from the wood wounded him by entering his belly. His spirit was invulnerable; and his activity remained unabated. He was led about, blind, groping

<sup>34</sup> Lediard, vol. i. p. 289, 90.<sup>35</sup> Kane, p. 57. Quincy, tom. iv. p. 291.<sup>36</sup> Appendix, N<sup>o</sup> III.<sup>37</sup> Barré, tom. x. p. 456. The duke of Marlborough wished to advance, without delay, to the Moselle; and to carry on the war in Luxemburg and Lorraine, that he might make good his winter quarters there, and penetrate into France the next campaign; but prince Lewis insisted upon his attempting the

siege of Landau, as the possession of it was essential to the security of Suabia; and this being more immediately connected with the interest of the Germans, the duke could not prudently decline; and was therefore detained with the greatest part of his army to cover the siege, as the marshal Villeroi had drawn together a great body of troops to raise it. Compare Cunningham, vol. i. p. 396. with Lediard, vol. i. p. 296, 7. Kane, p. 57.

with

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with his hands, and measuring the breaches made by the enemies batteries in the walls, that he might be enabled to give the proper directions for repairing and defending them. He continued to deliver his orders with the same precision and firmness; and the soldiers, admiring his fortitude, and lamenting his misfortunes, endured the greatest hardships without a murmur, and performed the severest duties with prompt and cheerful obedience. He prolonged the defence of the city several weeks after he was in this situation, and at length prevented, by an honourable capitulation, an assault, which must have been productive of destruction to his faithful companions, without adding to his own glory and theirs, or promoting the true interest of his country<sup>38</sup>.

The duke of Marlborough, that he might employ the confederate troops which were not engaged in the siege of Landau to the best advantage, sent off two strong detachments to invest Treves and Trarbach. The former the French evacuated, upon hearing of the approach of the allies; Trarbach was vigorously defended for more than a month, and surrendered on favourable terms to the prince of Hesse Cassel, who conducted the siege<sup>39</sup>.

The allies were now masters of all the country from the Danube to the Rhine, and of Trarbach on the Moselle, and Landau in Alsace, both of them fortresses of uncommon strength.

The victorious army avenged the defection of the elector of Bavaria, by laying waste the property of his guiltless subjects, and completed the humiliation of his family, by compelling the electress his wife to resign Bavaria to the emperor, and to restore all the places the elector had conquered in Tirol. The promise of the

<sup>38</sup> Quincy, tom. iv. p. 309. Barré, tom. x. p. 456. The allies paid dear for the capture of Landau; nine thousand of the Imperial army were killed and wounded in the course of the siege, besides many who contracted mortal diseases from the putrid effluvia upon opening the ground, and removing the earth, which covered thousands of the dead who had

fallen in the preceding sieges; for it was the misfortune of this place to have undergone three of them; and to have surrendered as often, within the space of three years, and always on the same terms. Barré, tom. x. p. 456.

<sup>39</sup> Quincy, tom. iv. p. 315. Barré, tom. x. p. 455. Appendix, N<sup>o</sup> III.

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emperor's



emperor's protection, with a small pension out of the revenue of Munich, the fortifications of which were razed, and a guard of four thousand men, were the only compensation she could obtain for these mortifying sacrifices<sup>40</sup>.

The strength of the contending armies being employed on the Danube, no events worthy of record distinguished the campaign in the Netherlands. Skirmishes often happened and towns were bombarded; but no general engagement took place, nor were any fortified places taken.

A variety of circumstances concurred to render the campaign in Portugal peculiarly unfortunate, and disgraceful to the allies. The inveterate bigotry of the Portuguese made them incapable of co-operating heartily with protestant armies. The generality of the clergy, some of the ministers, and many of the nobility, were prejudiced against the interest of the emperor and Charles, because it was supported by heretics<sup>41</sup>. Hence the most treacherous delay and remissness in every department connected with the war, and the most shameful neglect of all those preparations which were necessary for opening the campaign. Neither carriages, magazines, nor stores, were furnished in due season, nor in sufficient proportion. Although the king of Portugal was bound, by treaty, to provide the English and Dutch auxiliaries with horses, yet the French agents were permitted to purchase the best in the country, for the use of king Philip's army, and such as remained were neither of size nor strength fit for service. A great number of the allied troops, which had fallen into disease from the confinement and bad accommodation in their voyage to Portugal, perished for want of proper attendance and medicine. The pride of the Portuguese officers who

<sup>40</sup> Lediard, vol. i. p. 298. Barré, tom. x. p. 453. One hundred and fifty towns were pillaged and burnt in Bavaria, including those which were destroyed after the battle of Schellenberg. The papers, plate, and valuable furniture of the elector, were carried to Vienna.

The nobility were disarmed and plundered, and exorbitant taxes were imposed upon the people. Soldiers were quartered in all the parishes during the winter, and lived at discretion.

<sup>41</sup> Cunningham, vol. i. p. 437.

were

were intrusted with superior command, agreeably to the constitution and custom of their country, could not endure subordination to foreign generals, whose skill and experience were necessary to supply their profound ignorance of military affairs<sup>42</sup>. Nor were the English and Dutch commanders instructed, by their common sympathy and misfortunes, to cherish a cordial union, and to maintain a firm and steady co-operation in the services in which they were jointly employed. The jealousy and rivalry, which subsisted between the duke of Schomberg and monsieur Fagel, were a perpetual source of jarring counsels, and afforded the king of Portugal a specious pretext for separating the English and Dutch auxiliaries, though it was only by their junction, that they could be a match for the combined armies of the French and Spaniards, which now entered Portugal under the command of king Philip and the duke of Berwick<sup>43</sup>.

King Charles arrived at Lisbon on the 9th March<sup>44</sup>; and he, and the king of Portugal, severally published manifestoes addressed to the Spaniards, the former promising to protect all who would declare for him; and the latter engaging to support the title of king Charles, and to deliver the Spanish nation from the usurpation of the house of Bourbon. The duke of Schomberg also published a manifesto, in name of the queen of England, of the same tenor with those of the two sovereigns; and moreover offered a pardon to all her majesty's subjects, meaning the Irish in the French service, who should desert from the duke of Anjou<sup>45</sup>.

<sup>42</sup> Salmon, vol. xxv. p. 200, &c. London, 1735. According to the custom of Portugal, the provincial governors were established chief commanders of all the troops stationed within their districts; nor could the emergency of his affairs prevail upon the king to dispense with this pernicious regulation.

<sup>43</sup> Berwick, vol. i. p. 228. The English infantry were quartered in the province of Alentejo, and the Dutch sent up the Tagus. The separating the auxiliaries was partly owing

to the danger which the king apprehended from trusting the frontier towns to his own undisciplined troops. Tindal, vol. vi. p. 77.

<sup>44</sup> The archduke Charles, after being acknowledged king of Spain by the confederates, came to England December 1703. He was entertained by the court with great splendour, and afterwards conveyed by the English fleet to Lisbon.

<sup>45</sup> Tindal, vol. vi. p. 80.

K 2

Many

CHAP. III. 1704. 30th July. Many places in Portugal yielded without resistance to the enemy; some were taken by storm. During the first two months of this campaign, the French and Spaniards were uniformly victorious; and the court of Portugal was filled with consternation, lest the capital itself should fall into their hands<sup>46</sup>. The arrival of a reinforcement from England, under the command of the earl of Galway, who superseded the duke of Schomberg, revived the hopes of the desponding monarchs, who now began to concert plans for inverting the fortune of the campaign, and retaliating upon the Spaniards by the invasion of Castile. They were, however, persuaded by the English commander to relinquish a design so dangerous, and of precarious success. The good fortune of the allies, in a quarter where it was least expected, obtained that deliverance for Portugal, which never could have been accomplished by offensive exertions. The French and Spanish army was so much drained by detachments drawn from it for retaking Gibraltar, which had surrendered to the confederate fleet, that it could no longer maintain its ground in a hostile country<sup>47</sup>. Some of the fortified places, which had fallen into the hands of the French and Spaniards, were razed to the ground, and others were evacuated with as much rapidity as they had been taken; so that Portugal was restored, nearly, to the same condition as that in which it had been at the commencement of the campaign<sup>48</sup>.

In Italy, the interest of the emperor and his son sunk in the campaign 1704. The French king, stimulated by revenge against the duke of Savoy for renouncing his alliance, sent large reinforcements to join the army of the duke of Vendôme; and as the emperor was not in a condition to succour the former with sufficient force for carrying on an offensive war, he was entirely occupied in strengthening his fortifications<sup>49</sup>. But neither is it probable, that

<sup>46</sup> Berwick, vol. i. p. 216, &c.

<sup>47</sup> Quincy, tom. iv. p. 422. Berwick, vol. i. p. 232.

<sup>48</sup> Tindal, vol. vi. p. 85.

<sup>49</sup> Cunningham, vol. i. p. 403. Quincy, tom. iv. p. 350.

his

CHAP. III. 1704. 13th Jan. his own skill and exertions could have saved him from ruin, had not general Staremberg marched from the Modenese, and arrived at the camp in Piedmont, after surmounting the greatest dangers from the length and difficulty of the roads, and the frequent skirmishes to which he was exposed, from the army of Vendôme hanging upon his rear, during the whole course of his march<sup>50</sup>. After this junction, the duke's army was still so much inferior, that the sole object of his attention was to avoid a battle; and to retard the destructive progress of the enemy, by securing the passes and mountains which intercepted its march<sup>51</sup>.

Susa, at the distance of ten leagues from Turin, and lying in the principal road from France to that city, surrendered to the duke de la Feuillade, as soon as he began his preparations for investing it; after which he engaged a body of the confederate army, strongly entrenched in the neighbourhood of Brunetto, killed four hundred, and took a great number of prisoners, including many officers of rank<sup>52</sup>.

Vercelli, a strong fortress in Piedmont, yielded to the duke of Vendôme after a vigorous resistance, and enabled him to become master of the valley of Aousta; and thereby cut off the duke of Savoy's communication with Germany through Switzerland. The French army penetrated into the interior parts of Piedmont, destroying every thing before it, and closed the campaign by investing Verue. The duke of Modena, who adhered to the emperor, was stripped of his dominions by the French; and the duke of Mirandola experienced the same treatment from the Imperialists, in consequence of his having put himself under the protection of France<sup>53</sup>.

The Cevennois, though disappointed of the assistance of the confederates, had continued in a state of revolt, from the hopes that affairs in Italy might take a more favourable turn for them, after the

<sup>50</sup> Quincy, tom. iv. p. 182. Histoire de Louis, tom. v. p. 546.

<sup>51</sup> Id. Cunningham, vol. i. p. 404.

<sup>52</sup> Quincy, tom. iv. p. 346.

<sup>53</sup> Id. p. 347. Barré, tom. x. p. 442.

duke

CHAP. III. 1704. duke of Savoy had abandoned the interest of France, by opening a channel to supply them with more immediate and effectual reinforcements. The progress of the French in Italy, during the spring, and the unpromising aspect of the duke's affairs, at length reduced them to despondency, and removed all hesitation about renewing their allegiance to the French king, especially as terms of accommodation were proposed by him, which far exceeded their expectations<sup>54</sup>.

The confusion of affairs in Poland, occasioned by a contested election to the crown, increased in the course of this campaign. 12th July. Augustus was deposed, and Stanislaus Leezinski, palatine of Poland, was elected to the crown, and supported by the king of Sweden. Augustus, after many changes of fortune, was compelled to retreat to his own dominions in Saxony. The levies and preparations he made for renewing the war in Poland, not only proved ruinous to his own subjects, but detracted from the general strength of the empire<sup>55</sup>.

The naval preparations were forwarded this season with unusual dispatch. On the 12th February, sir George Rooke, who had resumed the command of the fleet, sailed from Portsmouth with king Charles on board, and, on the 25th, arrived at Lisbon. Three Spanish ships of war, two of sixty, and one of twenty-two guns, were 12th March. taken on the coast of Portugal by rear-admiral Dilkes, after a short engagement. In compliance with the earnest entreaties of king Charles, who had received flattering accounts of the dispositions of the Catalonians, the admiral was constrained to make an attempt 18th May. upon Barcelona, which proved as unsuccessful as that which had been made on Cadiz in 1702<sup>56</sup>.

<sup>54</sup> They were promised liberty of conscience; and those who had been sent to the galleys were to be released. Such as had left the country on account of their religion were permitted to return and enjoy their estates. These engagements however were but ill observed by the French king. Tindal, vol. vi.

p. 87.

<sup>55</sup> Tindal, vol. vi. p. 92.  
<sup>56</sup> Lives of the Admirals, vol. iii. p. 58. When the English fleet appeared on the coast, the governor secured all the persons suspected of favouring the Austrian interest.

CHAP. III. 1704. The attack of the French fleet in the Mediterranean, and a descent upon the coast of Spain, were the two principal objects which the commanders of the confederate fleet had been instructed to pursue. The French fleet having fled before them and put into Toulon, it only remained for the confederate fleet, now considerably reinforced by a squadron from Portsmouth under the command of sir Claudsley Shovel, to consider what part of the Spanish coast could be invaded with the most probable view of success. From their former abortive attempt upon Cadiz, as well as from the singular importance of the place, which had induced the Spaniards to strengthen the fortifications, and augment the garrison and troops in the neighbouring districts, the admirals were convinced that there was not the smallest chance of success in that quarter. The natural strength of Gibraltar rendered the enemy less vigilant and less prepared, where they did not suppose the confederates would ever think of directing hostilities. Sensible of the necessity of turning to account that force, upon which so much of the national treasure had been expended, and informed of the indolence and security of the Spaniards, the admirals came to the resolution of making a sudden and vigorous assault upon Gibraltar. The celerity of their success exceeded their fondest hopes, and vindicated an exploit, which, had it miscarried, might justly have been censured as rash and ill advised. Eighteen hundred marines were landed on the isthmus, between 21st July Gibraltar and the continent; and the governor refusing to surrender the fort upon a summons from the prince of Hesse who commanded them, the town was bombarded. The garrison being driven from the fortifications on the South Mole head, the admiral ordered one of the captains to arm all the boats and take possession of them. This service was performed by the persevering bravery of the sailors, notwithstanding the shocking catastrophe of forty of their companions, who were destroyed by the springing of a mine, when they first landed. The next day the Spanish governor capitulated, and the

CHAP. the prince of Hesse took possession of the town in name of the  
III. queen of England<sup>57</sup>.

1704.

9th August.

13th.

The admiral, having left the prince of Hesse and all the men he could spare in Gibraltar, set sail for the Straights, and immediately came in sight of the French fleet, which he pursued for several days, till it formed in a line near cape Malaga, and lay in a posture to receive him. The battle was well fought on both sides, for three hours, when the enemy's van gave way, and, a running fight continuing till the evening, the French fleet went off to the leeward. Both fleets lay by for a day, within three leagues of one another, repairing their damages, and afterwards the French bore away, and entered the harbour of Toulon<sup>58</sup>. The English fleet returned to Gibraltar, from whence it sailed on the 5th September, and arrived at Spithead on the 25th.

25th.

The French and Spaniards, under the marquis Villadorias, invested Gibraltar with a powerful force; but the good fortune of the English was no less conspicuous in saving, than it had been in acquiring, this important fortress.

<sup>57</sup> Lives of the Admirals, vol. iii. p. 65. Histoire de Louis, tom. vi. p. 14. The superstition of the Spaniards contributed to the success of the besiegers. The day on which the attack was made being a festival, the citizens, instead of active resistance, resorted to the churches, and implored the protection of the saints, unwarrantably confiding in supernatural aid, while they neglected the means of defence already afforded them. Cunningham, vol. i. p. 399.

<sup>58</sup> Lives of the Admirals, vol. iii. p. 68. St. Simon represents the count de Toulouze to have fought battle; to have had the advantage over the English fleet, and to have pursued it, under night, to the coast of Barbary, though he acknowledges that the victory cost the French some thousand men. St. Simon, tom. vii. p. 59. The editor, in a note, gives the English admiral the honour of making the attack, and says, that the issue was undecided. *Bataille indécise à la vérité.* Id.

The Dutch having recalled seven of their ships, the confederate fleet was inferior to that of the French. The latter consisted of fifty-two ships; of which seventeen were three deckers, and twenty-four galleys; the English of fifty-three, of which only seven were three deckers. The French carried six hundred guns more than the English, and were better provided with ammunition. No ships were destroyed or taken on either side; but, as the English offered to renew the engagement, and the French declined it, there can be little doubt to whom the victory ought to be assigned. The killed and wounded in the confederate fleet amounted to two thousand seven hundred and nineteen; whereas the French had not less than three thousand and forty-eight killed, besides the wounded. Compare Lives of the Admirals, vol. iii. p. 68. Quincy, tom. v. p. 426—36. Histoire de Louis, tom. vi. p. 21, 22.

Five

Five hundred Spaniards had climbed up the rocks, and were lying concealed upon the mountain, ready to rush into the town, while an assault was to have been made by the ships upon the new mole. They were just upon the eve of executing their design, when sir John Leake arrived from Lisbon, and, by sending five hundred marines and sailors to the garrison, enabled the governor to march out, and attack the Spaniards upon the mountain. Three hundred of them were killed on the spot, or driven headlong over the rock, and the rest were glad to receive quarter<sup>59</sup>.

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III.

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5th Nov.

After sir John's departure, the siege of Gibraltar was again renewed, and, while great succours were sent to it by land from Spain, a large fleet, commanded by baron Pionti, entered the bay. Advice of this being sent to the admiral at Lisbon, he returned to Gibraltar; attacked the French fleet; of which two were taken, and two run ashore and were destroyed<sup>60</sup>.

December.

6th March,

1705.

At the end of this campaign, the duke of Marlborough made a visit to the court of Berlin, and negotiated a treaty with his Prussian majesty, by which he became bound to send a body of eight thousand men into Italy, to co-operate with the troops of the emperor and the duke of Savoy against France in the ensuing campaign<sup>61</sup>. The duke at the same time composed certain disputes, which, to the great prejudice of the alliance, were then subsisting between the king of Prussia and the Dutch<sup>62</sup>.

<sup>59</sup> Lives of the Admirals, vol. iii. p. 78, 9.

<sup>60</sup> Life of Sir J. Leake, Chapters 5th and 6th.

<sup>61</sup> Lamberti, tom. xiii. p. 343. Her Britannic majesty became bound to pay the sum of three hundred thousand crowns (£.67,500) for the subsistence of these troops; of which

it was taken for granted, that the Dutch would bear a part, and the emperor was to furnish them with the ordinary rations of bread during the time of their being in the field. See the treaty, Journals Commons, 29th January 1705.

<sup>62</sup> Biographia Britannica.

I.



## CHAP. IV.

*Third Session of Parliament.—Her Majesty's Speech, &c.—Bill against occasional Conformity carried in the House of Commons.—A Motion for tacking it to the Supply negatived.—The Bill again cast out by the Lords.—Resolutions, and Act, occasioned by the Proceeding of the Scottish Parliament.—Inquiry into the State of the Navy, &c.—The Commons thank her Majesty for the late Treaty with the King of Prussia.—The Duke of Marlborough thanked by the Lord Keeper.—The Commons address her Majesty for perpetuating the Memory of his Services by some signal Reward.—The Manor of Woodstock, &c. conferred upon him.—Bills brought in by the Commons for securing the Independence of Parliament.—Renewal of the Disputes between the two Houses relative to the Ailesbury Electors.—Addresses and Representations to the Queen.—Parliament prorogued and dissolved.—Review of its Proceedings.—Origin and Constitution of the English Convocation.—Claims of the Lower House.—The Clergy displeased with the Suppression of the Convocation by King William.—The Convocation meets.—Its Proceedings.—Second Session.—Third Session.*

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THE last session of this parliament was opened on the 24th October 1704. Her majesty, after mentioning the satisfaction expressed in every part of the kingdom upon the wonderful successes of her arms, suggested the necessity of enlarging the supplies, to enable her to carry on the war, and to satisfy the just pretensions of her allies. She promised a faithful application of whatever might be granted to the public service. She professed her inclination to be kind and indulgent to all her subjects, and recommended entire union at home, as essential for attaining the great ends of which the nation had now so fair a prospect.

The commons as well as the lords expressed their marked applause of her majesty's recommendation to union; but the vote for a supply

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a supply had no sooner passed<sup>1</sup>, than the very bill which had been the source of so much heat in the two preceding sessions was again introduced in that house. Irritated by the unexpected opposition it had met with in the last session from many of its first abettors, its more resolute and steady friends were now determined to have recourse to such a strong measure as was likely either to ensure success, or, by the confusion and derangement of public affairs, to afford them ample vengeance for disappointment. On the second reading of the bill, a motion was made for tacking it to the bill of supply. Refined views of liberty, and a fervent zeal for the ancient purity of the constitution, were the fair prettexts with which the Tories now varnished the machinations of party rage. However strange the name, it was affirmed, that tacking, in effect, had been coeval with the birth of liberty; that the *magna charta* itself was an illustrious model of this practice, and an undeniable proof both of its antiquity and usefulness. Did not it stipulate for good laws, as the condition of ratifying the royal authority? Not relying, for the redress of grievances, on the word of a king, which had often been broken, our ancestors wisely retained the faculty of coercion in their own hands, by making money bills the last which they voted. Such a strain of argument, adopted by the party which had been wont to stretch prerogative, exposed them to the contempt of their opponents, while it provoked the disgust of many of their former adherents; and the motion for the tack was rejected by a majority of a hundred and seventeen votes<sup>2</sup>. The bill, however, was afterwards transmitted, in its simple form, to the upper house, where the ques-

<sup>1</sup> The supplies, granted this session, amounted to five millions, fifty-five thousand, one hundred and two pounds, sixteen shillings.

<sup>2</sup> Besides the general arguments against tacking, there was a peculiar incongruity in the present conjunction; for the money bill was limited to the duration of one year, and the clause tacked to it was to enact a law of perpetual obligation.

Mr. St. John, who had hitherto supported the bill, spoke and voted against the motion for the tack. *Life of Bolingbroke*, p. 89.

The influence of the court was warmly exerted to prevent the tack, which was understood as a signal of its displeasure with the Tories. Letters of Mr. Vernon to the Duke of Shrewsbury, December 1704. MS. Shrewsbury Papers.



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tion for a second reading was negatived by a majority of twenty-one.

The late violent proceedings of the parliament in Scotland occasioned many interesting debates in both houses, on the state of the nation; and produced various resolutions, the substance of which was comprised in an act, that materially changed the political relation subsisting between the two kingdoms<sup>1</sup>.

From an inquiry into the state of the navy, which was prosecuted by the lords with great diligence, it appeared, that notwithstanding the disbursements placed to its accounts, for the three preceding years, had far exceeded the allowance granted, yet there was a very considerable deficiency in the number of seamen and marines provided for by parliament; that there was a great want of cruisers for the protection of trade; and that enormous frauds had been committed in victualling the fleet. It was represented, that the mismanagement complained of arose, in a great degree, from the redundancy, inactivity, and extravagant payment of the principal officers in the naval service, in which number, some of the prince of Denmark's council were particularly named, and charged as accessory to the abuses brought to light. It having also appeared, that several British ships had clandestinely traded with France, and carried provisions there, an act was passed for more effectually preventing that evil in future<sup>2</sup>.

The commons returned her majesty thanks for having concluded the late treaty with the king of Prussia<sup>3</sup>; but passed an indirect censure upon the conduct of the allies, by addressing her to use endeavours

<sup>1</sup> It was intitled, "An Act for the effectual securing the Kingdom of England from the apparent Dangers that may arise from several Acts lately passed in the Parliament of Scotland." It empowered her majesty to appoint commissioners for England to treat with commissioners from Scotland for an union between the two kingdoms. All the natives of Scotland were declared aliens after the 25th of December 1705, and rendered incapable of

inheriting lands, &c. in England. The importation of horses, arms, and ammunition from England into Scotland, and of cattle and coals from Scotland into England, was prohibited. Statutes at large, vol. iv. p. 178. London, 1763. See Chapter IX.

<sup>2</sup> Journals Lords, 18th January, 5th February, 2d, 14th March, &c.

<sup>3</sup> Journals Commons, 8th February.

vours

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vours to obtain from them their several quotas by sea and land, agreeably to the treaties into which they had entered<sup>4</sup>.

The duke of Marlborough, upon his first appearance in the house, was complimented by the lord-keeper, in the most flattering terms, with a specific enumeration of his exploits. The commons also sent him thanks by a committee of their house; and afterwards addressed her majesty to consider of some proper means for perpetuating the memory of his illustrious services<sup>5</sup>. This last measure was interpreted by the Whigs as an artifice of the Tories for regaining the duke's interest, which was likely to be so prevalent, both at the court and in the country, upon the approaching general election.

The Tories were disappointed of the esteem they expected to obtain from their constituents, by their patriotic exertions in the house of commons for farther securing the purity and independence of the representative body. Two bills were brought in for this purpose: one, for preventing all persons who derived any official emolument from the public taxes from sitting in the house of commons, was negatived by a majority in that house: the other, which had for its object the exclusion of persons who held any place under government erected since the 6th February 1688, passed the house of commons, and was returned from the lords with some amendments, which the former did not approve, and was therefore dropt.

The disputes arising from the complaints of the Ailesbury electors were renewed with great warmth in both houses, and acquired additional interest from circumstances which had occurred during the recess of parliament. The favourable decision which

<sup>4</sup> Journals Commons, 23d, 26th February.

<sup>5</sup> The manor of Woodstock, and hundred of Wootton, and the lieutenantancy and ranger-ship of the parks, were the munificent rewards which her majesty conferred on her favourite general, in compliance with the recommenda-

tion of the commons. The queen also ordered the comptroller of her works to build a magnificent palace in Woodstock Park, to which, in honour of the duke's memorable victory at *Blenheim*, she gave the name of *Blenheim-House*.

White

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White had obtained in the house of lords, encouraged five more of the electors to bring actions against the constables for refusing their votes. The commons, following up the resolutions they had entered into the preceding session, voted the plaintiffs guilty of contempt of their jurisdiction, and a breach of privilege; and ordered them to be committed to Newgate. A motion was made in the queen's bench, for a habeas corpus in behalf of the prisoners; but upon the same principle which had regulated its judgment in the case of White, that court declined taking any cognizance of the business<sup>1</sup>. Two of the prisoners petitioned her majesty for a writ of error, that their cause might be brought before the house of lords. The commons presented an address to the queen, stating, that the commitments made by that house were not examinable by the courts of law; and at the same time, as if it had been from the consciousness of their cause depending upon favour as well as justice, they reminded her majesty of the service they had done her by giving dispatch to the supplies; and entreated her to withhold her consent to a petition, subversive of their most valuable rights. Dissatisfied because her majesty's answer did not promise immediate compliance with their desire<sup>2</sup>, they omitted the usual form of returning thanks for it, and immediately proceeded to wreak their vengeance upon the council who had pleaded in behalf of the prisoners committed agreeably to their order, by voting that they also had been guilty of a breach of privilege, and ordered them to be taken into custody.

The lords, from an unwillingness to embroil themselves with the lower house while the supply was depending, abstained for some time from any public interference with its proceedings; but being at length called upon judicially, by a petition from the prisoners, they were under the necessity of taking the whole business into

<sup>1</sup> The lord chief justice Holt was of opinion that the habeas corpus ought to have been granted, but the other three judges were against it.

<sup>2</sup> She said, that, as this matter related to judicial proceedings, she thought it necessary to consider carefully what might be proper for her to do.

consider-

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consideration, and entered into a series of resolutions, explicitly condemning the conduct of the commons as unprecedented and subversive of justice and liberty; and addressed her majesty, that she would be pleased to give effectual orders for issuing the writs of error. Repeated conferences took place between the two houses upon this interesting question; and their several opinions were defended with great ingenuity and eloquence. The temper of disputants is no unequivocal test of the merits of the cause for which they are contending. The lords supported their resolutions with forcible arguments and calm expostulation. The managers for the commons defended their proceedings, chiefly, on the ground of privilege; and digressed into libellous reflections on the conduct of the lords, and censuring other measures adopted by them which were foreign to the point in dispute. Both submitted their opinions to the sovereign: the one representing the refusal of a writ of error to the prisoners as a stop to the ordinary course of justice; and the other, the granting it, as a violation of their dearest privileges. There remained for the queen no other expedient of delivering herself from the embarrassment occasioned by these fierce animosities, but putting an end to the session. The parliament was prorogued on the 14th March, and dissolved on the 5th April; and on the 25th of the same month, a proclamation was issued for calling a new parliament.

As this was the strongest Tory parliament since the revolution, it afforded specious grounds for involving both the parliament and party indiscriminately in the same censure or applause; and the proceedings of the former have been always assumed as a fair test of the spirit and motives of the latter.

Of any unfavourable disposition to the house of Hanover, the first parliament of queen Anne cannot be accused; and some of the strongest securities for the protestant succession were proposed and ratified during its existence. Having approved of the war, the commons voted liberal supplies for carrying it on, and pursued wise measures

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measures for strengthening the grand alliance, by encouraging and ratifying treaties with the powers who had acceded to it, and by requiring the original parties concerned to perform their stipulations. They at the same time discovered a laudable respect for the interest of their constituents, by inquiring into abuses, and controlling unnecessary profusion in the public expenditure. This was the sum of their merit.

Some of the measures, pursued by the commons in every session of the first parliament of the queen, were precipitate, partial, violent, and not less inconsistent with political discretion than liberal sentiment. The Tories began their career, in the confidence of having the exclusive patronage of the sovereign; and the ministry was composed principally of their adherents. Presuming upon these advantages, they were determined to lose no time, and to scruple at no means, for accomplishing the irretrievable depression of their antagonists. The bill against occasional conformity; the general tenor of their speeches in support of it; their obstinate perseverance in that measure; the unconstitutional attempt to constrain the consent of the upper house by tacking it to the supply; and their stretching privilege, to the infringement of law; exhibit striking examples of the arrogance, the bigotry, and arbitrary spirit which characterised the Tories in the day of power.

The history of this parliament affords an example of the wisdom and usefulness of the several balances with which our constitution is furnished, and particularly of the salutary influence of that member of the legislature, which is fixed and unchangeable, for controlling the irregularities and excesses of the representative body, more liable to precipitation and violence, from the limitation and dependence of its power. If the moderation, the vigilance, and seasonable zeal of the lords had not restrained and thwarted the impetuosity and usurpation of the commons in this parliament, the best fruits of the revolution might have been blasted, and an arbitrary faction, not less dangerous than an arbitrary monarch, riveted

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in the seat of government. The outrage of the Tories destroyed their reputation and influence. The sober part of the nation took alarm; the people distrusted them; the queen was intimidated; and forsook, for a season, the party which had her early favour.

In order to enable the reader to understand the proceedings of Convocation. the convocation, coincident with those of the parliament already recited, it is necessary to premise a few observations concerning the origin of that assembly, and the alterations which took place in its constitution, and forms, previous to the period of which I am treating.

Wherever the christian religion obtained the sanction of civil government, synods or meetings of the clergy, for the purpose of discussing ecclesiastical affairs, were first permitted, and afterward incorporated with the established authorities, and more or less subjected to their regulation and controul<sup>10</sup>. Hence ecclesiastical assemblies, in their first formation, participated of the genius of the municipal government to which they were annexed, though their appropriate jurisdiction and prerogatives were occasionally contracted, or enlarged, according to the temper and interest of the supreme magistrate, and the reigning prejudices of the people. Under the progress of superstition, the forms and powers of all the ecclesiastical assemblies, in every christian kingdom, were more nearly assimilated, by the arrogant domination of the court of Rome, which claimed their allegiance, and implicit subordination to its authority, independent of the interior government of the country where they were established. This usurping spirit of the Roman see produced effects, the reverse of what might naturally have been expected: because its claim to supremacy, being occasionally controverted; sometimes violently resisted; and seldom recognised, without reluctance, by the christian princes; the provincial clergy, while the struggle was depending, with a dexterous policy, abetted the one or the other,

<sup>10</sup> Mosheim, vol. i. p. 144. 282.

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Agreeably to the plan, upon which the reformation in England was accomplished under Henry the eighth, the pretensions of the English church to independence, in every sense of the word, either as affecting the court of Rome, or the civil power at home, were entirely cancelled; for, to all the prerogatives already inherent in the crown, those, which had been formerly vested in the pope, were superadded by the act of supremacy<sup>11</sup>.

The English ecclesiastical synod, at its first institution, and for successive ages, consisted only of the metropolitan and his suffragans, who deliberated on the affairs of the church, adopted regulations for its worship and government, and made decrees and canons without any previous consultation with the inferior clergy, or any after-reference to their opinion<sup>12</sup>. The latter however, from being accustomed to attend the meetings of their superiors, as interested spectators, came afterwards, in the progress of time, to be indulged in expressing approbation of their proceedings; but still were not allowed, in any case whatever, to dissent from them.

Thus the matter stood, so far as related to subjects purely of a sacred nature; but when the synod granted any aid or subsidy to the sovereign, either in compliance with his demand, or in the way of voluntary benevolence, the parochial clergy were called upon and consulted by their superiors, with respect to the proportion and adjustment of the burden which was to fall upon them<sup>13</sup>. This example of complaisance, on the part of the dignitaries of the

<sup>11</sup> See 25th Henry VIII. chapter 19. convocation, 1603. Canons 139, 140, 141.  
The supremacy was abolished in the reign of queen Mary; revived again in that of Elizabeth, and recognised by the canons of the  
<sup>12</sup> Complete History of the Convocation, Preface, p. 10. Lond. 1730.  
<sup>13</sup> Idem.

church

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<sup>14</sup> The inferior clergy were first summoned to parliament on the 11th November 1282, by Edward I. Writs were directed to the archbishops of Canterbury and York, to oblige the clergy of the dioceses, under their superintendence, to attend the parliament at Northampton in the octaves of Hilary following. Thus the advancement of the lower clergy to a participation of legislative authority, proceeded from the same motive that induced Edward to call the burgesses to parliament.  
but were authorized to act in name of the capitular bodies, or the ecclesiastical chapters. But when their patrimonial interest came to be affected by contributing to the supplies, the capitular bodies grew jealous of their superiors, who had a separate interest; and to make them easy, they were indulged in the choice of one of their own members, to act as proxy for them, in the convocation. Kennet's Ecclesiastical Synod, p. 73. Lond. 1701.

In consequence of the change introduced by the above statute of Charles II. which was beneficial to the clergy, because the rate of tax formerly paid by them was reduced, the meeting of the convocation ceased to be subservient to the interest of the crown; and, as by the act of supremacy its power in spiritual matters was entirely subjected to the royal authority, its legislative depression naturally followed, and, as a consequence of this, its discontinuance or entire suppression.

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was often the principal occasion of the former being summoned to meet together with the latter, the inferior clergy, after the first diet of the convocation, carried on their deliberations on every subject, separately, through the remainder of the session, but still subjected to such regulations as implied their dependence upon the upper house". From this farther resemblance of the convocation to the parliament, arose the various topics of dispute which divided the convocation, and of which I am now to give an account.

From the hypothesis of the ecclesiastical assemblies having been framed upon the model of the civil legislature, the high church party contended, that the convocation possessed a constitutional right of meeting at the same time with the parliament; that the crown had not power to prorogue it, or to interrupt its proceedings, while the parliament continued sitting; that it might enter upon business and make resolutions without the royal licence; and that the canons framed by the king and convocation, were valid independent of the confirmation of parliament. On the ground of these propositions, the representative clergy, who were generally of the high church party, contended, that, like the house of commons, they were a co-ordinate branch of the supreme, ecclesiastical assembly, independent, in their legislative capacity, on the bishops, or upper house. Upon this basis was erected their claim to the power of internal regulation, such as choosing their own president or prolocutor; interposing a negative upon the votes of the upper house; moving and determining questions of a spiritual nature, without permission or authority from it; and also their right to hold intermediate sessions, or continue their synodical functions, during the adjournment of the bishops; to appoint committees; to grant leave of absence to their members; and adopt such forms as they judged most expedient for conducting their own business".

<sup>15</sup> Kennet, p. 120.

<sup>16</sup> Id. p. 23. Complete History of the Synods.  
Convocation, p. 2, 3. Atterbury's Let-

ter. Godolphin's History of Ecclesiastical

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The long discontinuance of the convocation, during the late reign, stimulated the clergy to enter into an elaborate investigation of its constitution and rights; and the party, which was offended at king William on that account, not only contended for the most strained interpretation of ecclesiastical prerogatives, but were impatient to exercise them, when freed from the restraints of which they complained". This desirable period they foresaw to be at no great distance, and from the pious zeal of the princess Anne, who was next heir to the crown, they anticipated the full restitution of all the rights of the established church, when the reins of government should devolve into her hands. The commencement of her authority was propitious to their wishes; she summoned the convocation to meet with the new parliament; and gave them strong assurances of every indulgence, favourable to the interest of the church, and the ecclesiastical order.

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The several topics, which occupied this convocation, may be divided into those of a political, and those of a spiritual, or ecclesiastical nature. With respect to the first, the two houses divided in the same spirit, and upon the same principles, with the lords and the commons, during the continuance of the first parliament. The prejudices of the bishops were for the Whigs, and those of the country clergy, for the Tories. The latter struggled hard to introduce, into their joint address to the queen, some phrases derogatory to the honour of king William, which were rejected by the former

November.

<sup>17</sup> Burnet, vol. iv. p. 410. 478. London, 1725. King William's Affection to the Church of England, p. 11. Lond. 1703. See catalogue of the various publications upon this subject Biographia Britannica, vol. i. p. 335. Article Atterbury.

The upper house of convocation consisted of the bishops, in number nineteen; the lower house consisted of the deans, archdeacons, and proctors from the parochial clergy, amounting to one hundred and thirty-six. History of Europe, vol. viii. Appendix, p. 52.

The cathedral clergy were represented by

one; the parochial, by two proctors of their own choice. Complete History of the Convocation, p. 21.

King William was dissatisfied with the convocation, which he had summoned, in the first year of his reign, for the purpose of making such alterations in the liturgy and canons, as were likely to remove the scruples of moderate dissenters; and was therefore averse to calling another till he was constrained to do it by his Tory ministry in the year 1701. Burnet, vol. iv. p. 62.

with



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with indignation and firmness: though they concurred so far with the partiality of the lower house, as to express their hopes of more extensive favour to the church, from the well known principles and dispositions of the present sovereign<sup>18</sup>.

13th Nov.

The lower house, at an early stage of the session, applied to the bishops for a recognition of their claim to hold intermediate sessions, during the prorogation of the upper house. The power of proroguing the convocation, and sitting all proceedings in both houses, had been uniformly exercised by the archbishop with the consent of his suffragans, till the year 1701, when it was first called in question<sup>19</sup>. Aware, that the renunciation of it would have amounted to the acknowledgment of a co-ordinate authority, inconsistent with the fundamental principles of episcopacy, the bishops refused the desire of the lower house; but promised to indulge them in the nomination of committees for preparing business during the interval of sessions; and to exercise their own power of prorogation with such prudent accommodation to circumstances, as never to give any just ground of offence to the subordinate branch of the convocation. The majority of that description, flattered with the hope of being supported by the united patronage of the ministry and the house of commons, would listen to no compromise<sup>20</sup>, and holding it

<sup>18</sup> Tindal, vol. v. p. 221. "They promised themselves, that whatever might be wanting to restore the church to its due rights and privileges, her majesty would have the glory of doing it, and securing it to posterity."

The Tory ministry, in the last year of king William, made a point of his permitting the convocation to enter upon business. This gave them opportunity of anticipating the scheme of procedure, which they expected to pursue, without molestation, under the successor; and the measures adopted by the convocation, of which I am now giving an account, were a repetition or continuation of what was then begun. Burnet, vol. v. p. 542.

<sup>19</sup> Burnet, vol. v. p. 547.

<sup>20</sup> Impartial History of the two last Parliaments, p. 347. The house of commons testified their respect for the lower house of convocation, resolving, that the prosecution of Mr. Lloyd for the offence he had given them, by his interfering in the election for the county of Worcester, should not take place till his privilege as a member of the lower house of convocation was out; for which they received the thanks of that house.

Upon this, the commons resolved, that they would, on all occasions, assert the rights and privileges of the lower house of convocation. Journals Commons, 21st November. This resolution was understood to be an open declaration

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it unreasonable, that their superiors should be the ultimate judges in a cause where their own prerogative was at stake, they proposed a joint reference of it to the decision of the sovereign. With this proposal the bishops refused to comply, because, though assured that the issue would have been favourable for them under such an arbiter, yet the very reference implied a doubt of their right, and violated that clerical subordination which they deemed essential to the episcopalian government. The persons, who stood foremost in opposition to the long established prerogatives of the bishops, were all of the high church party<sup>21</sup>, abhorers of the protestant dissenters, and zealots for the divine, apostolical institution of episcopacy; and yet they were now contending for a measure, which levelled the distinction of sacerdotal orders, and brought the church of England, in its legislative capacity, nearly into a state of presbyterian parity. Such palpable contradiction could not escape the most superficial observer, and brought heavy censure upon the champions for the privileges of the lower house. In order to vindicate themselves, they presented a declaration to the bishops, in which they disavowed any favourable inclinations for presbytery; solemnly recognised the superiority of the bishops, as of divine, apostolical institution; and requested them to embrace the present opportunity of settling that doctrine, as the standing rule of the church<sup>22</sup>.

While the bishops were deliberating on the answer to this address, the lower house presented a petition to the queen, requesting that

ration of their partiality to that assembly, at a time when they were involved in a keen dispute with their superiors.

As a marked expression of their confidence in the patronage of the house of commons, the lower house of convocation presented their thanks to the former, for adopting the recommendation of the queen to provide for the augmentation of small livings. Journals Commons, 15th February 1704.

<sup>21</sup> The disputes which now embroiled the

convocation, and spread through the whole body of the clergy, had first given rise to the names of *High Church* and *Low Church*. Those who supported the claims now contended for by the lower house of convocation, were called *High Church*; and those who were on the side of the bishops, and showed moderation towards dissenters, were called *Low Church*. Tindal, vol. v. p. 228.

<sup>22</sup> Id. p. 225.

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she would condescend to take under her cognizance, and to determine, the several points in dispute between them and their superiors.

At the commencement of these disputes, the queen was believed to favour the demands of the lower house; and the earl of Nottingham, the secretary of state, exerted his influence in their behalf<sup>23</sup>; but their own violence betrayed them, and forfeited that patronage which had hitherto cherished their hopes. Though the court might be regardless of those claims which affected the prelatical authority, yet it could not behold with indifference that growing spirit of usurpation, which threatened to assail even the prerogative itself. The bishops, in answer to the address of the clergy for declaring the divine institution of episcopacy, while they screened themselves from the censure of lukewarmness about a point connected with the constitution of the church, at the same time brought the sovereign into a participation of the dispute, by replying, that, without a royal licence, they had no authority either to enact, or execute, any canon relative to doctrine or discipline. Such was the state of business in the convocation, when the session terminated with the prorogation of parliament.

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9th Nov.

When the convocation met again with the second session of parliament, the lower house abstained, for some time, from questions about their own privileges; and directed their principal attention to such as were suitable to their professional character, and calculated to obtain popular approbation. They gave in a representation to the bishops, complaining of the uncontrolled licentiousness of the press, and the relaxation of ecclesiastical discipline; and earnestly solicited their powerful interposition for putting a stop to these evils<sup>24</sup>. They professed conscientious scruples about administering the sacrament to unworthy persons, as a qualification for office; but, glancing at the protestant dissenters under this description, they afforded too just ground for imputing their scruples to the narrow

15th.

<sup>23</sup> Tindal, vol. v. p. 226.<sup>24</sup> Id. p. 436.

bigotry

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bigotry of partisans, rather than to that salutary and well directed zeal, which flows from the light of pure religion. In the same contracted spirit, they complained of permission being given to dissenting clergymen, to administer baptism in private families, and of the dangerous increase of unlicensed schools and seminaries of learning.

The bishops, though unwilling to admit the facts stated by the lower house, approved of their representation, as containing subjects which well deserved the deliberation of the ecclesiastical courts, and ordered copies of it to be transmitted to the absent bishops, that they might, in the course of their diocesan visitations, take the proper steps to ascertain and redress the evils complained of. The acquisition of power was however too near the hearts of the high church partisans, to admit of their passing over a whole session without making some attempts for extending it. They sent a paper to the bishops, asserting the privilege of the convocation to be summoned as often as a new parliament was called; and also their own right, to make choice of a prolocutor and actuary; and to carry on business, notwithstanding the prorogation of the upper house<sup>25</sup>. The purpose

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<sup>25</sup> Tindal, vol. v. p. 439. The prolocutor was the foreman or speaker of the lower house; the actuary was the clerk, who recorded the minutes of their proceedings.

In opposition to these claims, it was argued, that, in the original state of the convocation, when the bishops and clergy met in the same house, no such offices existed; when, in consequence of their separation, it became necessary for the lower house to have one of their members to speak in their name, or represent their proceedings to their superiors, he was appointed or commissioned by the archbishop. After they came to be indulged in the election of their own prolocutor, it was only in consequence of leave asked and obtained from the archbishop, and the election was confirmed by him; nor could any other person be substituted as prolocutor pro tempore, without the archbishop's permission. Complete History of the Convocation, p. 63.

At the opening of the convocation, the archbishop stated the occasion of their meeting, prescribed the topics on which they were to deliberate, and fixed the place where the lower house was to meet. Id. p. 85.

The supreme and controlling authority of the archbishop over the lower house was continued through the whole session; for he used to require their attendance, either in a body, or by their prolocutor, as he judged proper; and to recommend new subjects of deliberation, either to the whole house, or to committees; sometimes restricting the number of members of the committees, and limiting the time for the dispatch of the business referred to them; and sometimes leaving these points to their own discretion; which variations are a proof, that a power was lodged with the archbishop to direct and superintend the proceedings of the lower house; nor was this ever called in question till the year 1689. Id. 107.

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purpose of these claims was to vest the lower house with powers analogous to those of the house of commons; and thence establish an independent authority. The archbishop, upon the approaching prorogation of the parliament, addressed the lower house in soothing terms upon the representation, so far as it related to the discipline and reformation of the church, but studiously avoided taking any notice of their claims to new privileges, on purpose to remove any handle of future altercation.

The conduct of the lower house in the third session was so like to what it had been in the two preceding ones, that it is unnecessary to enter into a full detail of their proceedings. They lamented the inactivity which retarded any remedy for those irregularities upon which they had formerly animadverted; and, by insinuating that this disappointment did not arise from any want of zeal on their part, they directed the public censure against their superiors. They not only renewed their claims to independence, but carried them into effect by holding intermediate sessions; and when the archbishop admonished them to discontinue a practice, which was an infringement of the undoubted right of the president, and contrary to the constant custom of convocations, they insisted that they had not deviated from the ordinary forms of procedure and the respect due to their superiors; and protested against his admonition, as void, and entitled to no obedience.

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The rupture between the two houses was now come to that crisis, which could admit of no compromise or conciliation, and consequences might have ensued, injurious to the peace of the church and the credit of the ecclesiastical character, had not all farther proceedings been stopt by the dissolution of parliament.

The journals of the lower house were finally deposited in the office of the sec, together with those of the upper house. Id. p. 121. 127. It appears, however, that, from a very early period, the lower house had a right to put a negative on canons, constitutions, &c. so as to hinder them passing into synodical acts. Id. 172.

## CHAP. V.

*Campaign 1705.—Distress of France.—Circumstances unfavourable to the Confederacy.—Plan of the Duke of Marlborough for beginning Hostilities on the Moselle.—Thwarted by the masterly Preparations of Villars.—The Interest of the Allies declines in the Netherlands.—The Duke of Marlborough marches there.—The French retire within their Lines—which are successfully attacked by the Duke.—The French post themselves behind the Dyle.—Places taken by the Confederates.—Success of Villars on the Moselle.—Campaign in Italy.—Losses of the Imperialists there.—Efforts of Prince Eugene to join the Duke of Savoy.—Battle of Cassano.—Campaign in Spain.—Progress of the Earl of Galway and the Marquis de Minas.—Arrival of the combined Fleet in Altea Bay.—Siege of Barcelona.—Fort Montjuick taken.—Barcelona surrenders.—Subsequent Success of King Charles.—Activity of the Earl of Peterborough.—Operations of the Fleet.—The Duke of Marlborough visits the Courts of Vienna, Prussia, and Hanover.*

ILLUSIVE accounts of success had hitherto flattered the vanity of the French nation, and made them submit with patience to grievous burdens, compensated, as they believed, by the extension of their empire, and the glory of their sovereign. The fatal issue of the campaign 1704 could neither be suppressed nor palliated. Poverty and depopulation were visible in every province; and discontent was spreading to such an alarming degree among all orders, that the court found it necessary to restrain the presidents of the provinces from the indiscriminate publication of the events of the war, and even to prohibit the courtiers from conversing among themselves upon the state of public affairs'. To conceal the exhausted condition of the treasury, and to fill it more expeditiously from the pockets of the people, the value of the current specie had been

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\* Histoire de Louis, tom. vi. p. 26, 7. Monthly Mercury.

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Pecuniary difficulties were not the only, nor indeed the principal sources of popular disaffection. Money might be withheld by artifice, and the rapacity of the court eluded; or it might be replaced by industry after the return of peace. But the persons of his majesty's subjects could not be rescued from that fatal destination, to which so many thousands had been devoted in the preceding campaigns. Fantastical ideas of honour began to vanish, and those immunities, which had been wont to draw such multitudes to the royal standard, lost all attraction, and were now proffered in vain.

On the other side, the campaign 1704 did not give the confederates that advantage and decided superiority, which might naturally have been expected from the splendor of their victories, and the humiliation of their enemies. The exertions of arbitrary power supplied the want of loyal zeal and voluntary obedience in France; and, to the astonishment of Europe, her armies entered the field, in the year 1705, as numerous and well equipped as they had been in any former year since the commencement of the war.

The depredations and calamities which afflicted the German provinces, the principal theatre of the war, damped the ardour with which they had begun it, and cramped their future resources. The constant drain of men from the United States, for recruiting their shattered armies, proved ruinous to their manufactures; and rendered

<sup>2</sup> La levée des milices depeuploit les campagnes de sujets le plus nécessaires. J'ai vu dans mon enfance, ces recrues forcées, conduites à la chaîne comme des malfaiteurs. Mémoires par Monsieur Duclos, p. 12. Paris, 1791.  
<sup>3</sup> Lettres Historique 1704. Their cavalry, which had been almost entirely cut off, were quickly replaced by horses purchased from the Swifs. Many thousand men, already trained to military duty, were draughted from the provincial militia for the armies in the frontiers and Netherlands. To animate a martial spirit, the king made the greatest number of promotions in the army that had ever been known. Sixty lieutenant-generals, seventy field marshals, twenty-eight brigadier-generals of foot, and fifteen of horse, were appointed for the service of the campaign 1705. Quincy, tom. iv. p. 181.

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CHAP. V. 1705. dered them incapable of fulfilling their engagements to England and the emperor. The decay of commerce, and the scarcity of money, engendered a moroseness and intractability, which excited internal divisions, and circumscribed the improvement of their past success. Nor did reciprocal congratulations, upon their common prosperity, abolish that selfishness and jealousy which subsisted among the active members of the confederacy. The prince of Hesse would not allow his troops to receive orders from any of the Dutch officers, lest it should be interpreted as a renunciation of that precedency which the Germans claimed; and the prince of Baden, by refusing submission to the united counsels of England and the States, retarded, and sometimes obstructed, the execution of the most promising designs.

The duke of Marlborough, as has been mentioned in a preceding chapter, had formed the plan of opening the campaign 1705 on the frontiers of France. He quartered a great part of his army during the winter, in the electorate of Treves, and along the Sar; and magazines having been provided, and instructions communicated to the confederate generals, with a view to the execution of his purpose, he collected the English, the Hessian, and a great proportion of the Dutch troops, and advanced to the vicinity of Sirik, where the marshal Villars was encamped with the principal French army. A variety of circumstances concurred to obstruct the operations of the duke, in a quarter where he expected to gain the most illustrious renown, by giving a vital wound to the power of France, and pushing the war into its interior provinces. The marshal, to whom Lewis had wisely consigned the most critical station, had prepared every means of defence, that the most masterly genius, instructed by experience, and seconded by extraordinary efforts of diligence, could possibly effect. His camp was strongly fortified; he had chosen the fittest posts and avenues for preventing the approach of the allies to Sar Lewis, Thionville, and Luxemburg; he strengthened

22d May.

\* Barré, tom x. p. 457.

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ened the fortifications, and augmented the garrisons of these towns; and had swept away all the forage and provisions in the neighbourhood. The natural sterility of the soil, and the uncommon severity of the season, favoured his plan of defensive war; and made it impossible for so large an army of the confederates to subsist there for any considerable time. Aware of these difficulties, the duke of Marlborough never would have attempted hostilities in that quarter, had he not been assured of a force far superior to that of Villars, by the junction of the Germans under the prince of Baden. He employed the most earnest entreaties and expostulations to persuade the prince to hasten his approach; but he could not prevail. Under the pressure of hardships which were daily increasing, multitudes had deserted from the confederate army. The duke was not in a situation to endure delay; and must have been under the necessity of relinquishing his plan of offensive hostilities on the Moselle, though the state of the war had not now required his assistance in a different place<sup>5</sup>.

In the Netherlands the interest of the allies was declining with a rapidity which gave the utmost alarm to the States. Huy surrendered to the count de Gasse. The marshal Villeroy and the elector of Bavaria got possession of the city of Liege, and were making progress in the siege of the citadel. The intelligence of these events obliged the duke to march thither with the utmost dispatch<sup>6</sup>. The French generals, hearing of his approach, moved with precipitation from Liege to Tongeren; and soon after retreated within their lines

<sup>5</sup> Villars, tom. ii. p. 228, &c. Quincy, tom. iv. p. 495. Lediard, vol. i. p. 312. Historians give different accounts of the comparative strength of the confederate and French armies. The confederates seem to have been superior, though not in such a degree, as to render it advisable to attack Villars with the advantages which he possessed.

The author of the *Memoires de Villars* imputes the retreat of the confederates to a difference of opinion between the duke of Marlborough and the German commanders with

respect to the plan of carrying on hostilities, tom. ii. p. 235, 6. But the duke of Marlborough, who was not reserved in censuring his colleagues when they deserved it, takes no notice of this circumstance; and ascribes his inactivity and disappointment entirely to the failure of his friends in the performance of their promises. *Appendix*, N<sup>o</sup> IV.

<sup>6</sup> *Histoire de Louis*, tom. vi. p. 55. Quincy, tom. iv. p. 499. The duke decamped from Elft on the 17th June, N. S. and joined Monsieur d'Auverquerque before the 1st of July.

near

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near Hildesheim. The duke, having joined the Dutch army commanded by monsieur Auverquerque at Maestricht, immediately ordered a detachment from their united force to invest Huy; which surrendered in a few days<sup>7</sup>.

Upon the return of this detachment, the duke being anxious to employ the army in some bold exploit, to redeem the inactivity of the preceding part of the campaign, communicated to the Dutch general his design of entering the enemy's lines; and carried it into execution by a stratagem, which eluded the vigilance of Villeroy and the elector. The confederate army had approached so near the French lines, that the latter were naturally apprehensive of being attacked. The great object of the duke was, to improve this apprehension to his own advantage, by withdrawing their attention from the place where he intended to break in upon their lines. On the 17th July, the Dutch troops were directed to march on the right of Villeroy's camp towards Bourdines on the side of the Me-haign, and soon after a detachment of ten thousand men were ordered to draw up, and move in the same direction. From these movements the French general naturally concluded that the attack would be made by the confederate troops, on his right at Meffelen; and he was the less suspicious of any feint, because his lines were weaker and more exposed there than in any other place, a circumstance which, he supposed, had not escaped the piercing eye of his antagonist. He therefore concerted his plans, and made his dispositions, with the view of securing his camp, and strengthening his lines in that quarter. In the night, the detachment of the confederate army, agreeably to the instructions it had received, suddenly faced about, and moved to the left of the enemy's camp, where it entered with little resistance, at two barriers defended by a feeble guard<sup>8</sup>. The detachment was sustained by the cavalry led on by

18th July.

<sup>7</sup> Quincy, tom. iv. p. 502. Kane, p. 60.

<sup>8</sup> These barriers were intended for the convenience of the country people passing and repassing. A gentleman, whose estate lay in the neighbourhood, gave the duke intelligence of them, and furnished him with guides for conducting the army thither.



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the duke of Marlborough; and the Dutch regiments, under the command of monsieur Auverquerque, immediately turned about, and came up in the rear. The enemy's cavalry, which had advanced with the utmost expedition to prevent the confederates passing the barriers, were confounded with the warm reception they met with, and obliged to retreat. The elector of Bavaria hastened to the scene of action with the infantry, and renewed the engagement; but another detachment of the confederates having arrived, and formed behind the horse, he was soon overpowered and driven back. Several standards and some pieces of cannon fell into the hands of the conquerors; above a thousand of the enemy were killed, and two thousand made prisoners, of which number two hundred were officers. The Bavarian troops retreated in great order, and sustained little additional loss from the pursuit of the confederate cavalry, which was exhausted with the fatigue of marching all the night<sup>9</sup>.

The combined armies of the French and Bavarians, being driven from their lines, continued their march on the side of the Dyle, and posted themselves in a strong camp at Parck, which covered Louvain and Brussels. The duke of Marlborough, not satisfied with the advantages of his late victory, amounting to nothing more than getting possession of a few inconsiderable places abandoned by the enemy, and having no hope of bringing them to a pitched battle upon equal ground, projected a second attack upon their lines, and was making every preparation for carrying it into execution. But the deputies of the States, intimidated with the hazard of so bold an enterprise, resisted the importunity and expostulations of the duke with an inflexibility, which mortified his pride and disappointed the sanguine hopes he had entertained of closing the campaign with distinguished glory<sup>10</sup>. The remaining operations of the

<sup>9</sup> Military History of Marlborough, p. 172. Appendix to Annals of Anne, 1705. p. 45. Lamberti, tom. xiv. p. 19.

<sup>10</sup> Lediard, vol. i. p. 331. The duke was

so much exasperated by this disappointment, that he wrote a letter to the States, August 19th, 1705, complaining of it as an affront to his authority, and reminding them of his past services.

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the army were confined to taking Soute-Leewe, Tirlemont, Sanduliet, levelling the enemy's lines, and fortifying their own outposts at Dieft, Hasselt, and Tongeren, in order to enlarge their winter quarters<sup>11</sup>. Dieft was surprised and retaken by the Bavarians, while the confederates were engaged in the siege of Sanduliet<sup>12</sup>.

After the duke of Marlborough retired from the Moselle, Villars gained several important advantages over the allies on the Upper Rhine. Being joined by Marcin, he forced the Imperial lines at Weiffemburg, and laid all the neighbouring country under contributions; he obliged the Germans to abandon Sarbruck castle; to destroy their magazines, and blow up their fortifications at Treves. Homburg at the same time surrendered to the marquis de Conflans, at the head of a detachment from the army commanded by Villars<sup>13</sup>.

These advantages were in some degree counterbalanced by the latter success of the Imperialists under the prince of Baden. That prince, who had lost reputation as a general, from his remissness at the beginning of the campaign, joined general Thungen in the camp of Stollhoffen, crossed the Rhine, and advanced towards Haguenau, where Villars had posted himself within strong entrenchments. The prince made a bold and unexpected attack upon them, and obliged the enemy to retire with considerable loss. Being afterwards reinforced by a body of Prussian troops, he still pressed upon Villars, who declined a general engagement, and gradually retired towards Strasburg. Drusenheim and Haguenau were invested by the Imperial army: the former surrendered, and the garrison of the latter having proposed terms of capitulation which were refused,

services. The States, fearing the consequences of his resentment, sent the pensioner of Amsterdam to make their peace with him; and soon after recalled general Schlangenberg, who had advised the traversing of his plan. Lediard, vol. i. p. 337. Appendix, N<sup>o</sup> V.

<sup>11</sup> Kane, p. 63. Histoire de Louis, tom. vi. p. 61.

<sup>12</sup> Id.

<sup>13</sup> Villars, tom. ii. p. 243. Barré, tom. x. p. 471. Quincy, tom. iv. p. 536, 7.

O

retired

June.

July.

12th Aug.

28th.

24th Sept.

CHAP. retired during the night towards Saverne, by an avenue where the  
V. town was open<sup>16</sup>.

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The campaign in Italy was extremely unprosperous to the confederates. The castle of Villa Franca, and the forts of Sant Ospitlo and Montalban, were taken by the duke de la Feuillade; and the inhabitants of the town of Nice submitted to the French government, though the castle was still retained by an Italian garrison for the duke of Savoy. Verue surrendered to the duke of Vendosme, after having endured a siege of six months, which was conducted by the ablest French engineers<sup>17</sup>. The slowness and deficiency of the reinforcements promised to prince Eugene, who was again entrusted with the command of the German army in Italy, had almost provoked him to resign, and prevented him from relieving Mirandola, which was forced to capitulate, after having been long blockaded and closely besieged for several weeks<sup>18</sup>. Disappointed in the execution of that plan, with which he intended to begin the campaign, the next important object was to form a junction with the duke of Savoy, who was in danger of being surrounded by the enemy; or, if that could not be effected, to make a seasonable diversion in his favour. For this purpose the prince entered Brescia, crossed the lake of Garda, and advanced as far as Salo; and after several difficult marches, and some slight engagements with advanced parties of the enemy, he turned to Soncino, of which he made himself master, as he did soon after of Ustiano, Caneto, and Matcaria<sup>19</sup>. In prosecution of these advantages he was but little interrupted, as the chief occupation of the duke of Vendosme was guarding the passes of the river Adda, to prevent the prince from reinforcing the duke of Savoy in Piedmont.

<sup>16</sup> History of Europe, vol. x. p. 298. 352.  
Quincy, tom. iv. p. 555.

<sup>17</sup> History of Europe, vol. x. p. 174. St. p. 42.  
Simon, tom. vii. p. 63.

<sup>18</sup> Military History of Eugene, p. 65.

<sup>19</sup> Id. p. 68. Histoire de Louis, tom. vi.

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An army under the command of the grand prior of France, the duke's brother, was stationed at the bridge over that river near the town of Cassano, while the duke himself marched on the other side of the Adda, intently watching prince Eugene's motions. The prince, finding it impossible to cross the river in face of the enemy, had recourse to a stratagem, which had nearly accomplished the success he desired. By dividing his forces, and concealing his motions from the duke of Vendosme, which the nature of the country rendered it easy for him to do, he found an opportunity of making a sudden attack upon the grand prior's army. Although at first the French made a warm resistance, yet being taken by surprise and in great confusion, they soon gave way and fled across the bridge, and the Germans began to shout in confidence of their having obtained a complete victory. But the duke of Vendosme, having suspected the prince's design from his changing his route, marched with great expedition, at the head of his cavalry, to succour his brother, and meeting the flying army, he quickly rallied it, and renewed the battle with such ardour, that he compelled the Germans in their turn to give way, and to repass the bridge<sup>20</sup>.

After this engagement prince Eugene retreated to Treviglio, and remained master of the country between the Adda and the Oglio; but durst not make a second attempt to pass the former, the enemy having erected fortifications upon its banks wherever it was fordable<sup>21</sup>.

The duke of Savoy had evacuated Chivas soon after the duke de la Feuillade sat down before it; and despairing of any immediate

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<sup>20</sup> Military History of Eugene, p. 70. Feuquiers, vol. ii. p. 155. The duke of Vendosme, with the French army, repassd the river; and the Imperialists kept the field of battle, or the ground from which the allies had first driven the grand prior. Tindal, vol. vi. p. 230.

The French prevented prince Eugene's design of joining the duke of Savoy; and the prince imputed their failure in undertaking the siege of Turin, the only place the duke now retained, to the loss of the French at Cassano. Salmon, vol. xxv. p. 262. Lond. 1734.

<sup>21</sup> Monthly Mercury, September.

O 2

assistance

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assistance from prince Eugene, fled to Turin, and put the fortifications there in a condition for the approach of a siege, which was evidently intended by the enemy<sup>20</sup>. Montmelian surrendered to the duke of Berwick. The citadel of Nice was besieged, but held out till the beginning of 1706<sup>21</sup>.

In Portugal and Spain, the arms of the allies were uniformly and illustriously successful during the summer 1705. The great proportion of French and Spanish troops which were occupied in the siege of Gibraltar enabled the Portuguese and allies, commanded alternately by the earl of Galway, and monsieur Fagel, to carry on an offensive war, by invading Spain on the frontiers of Beira and Alentejo. Valenza d'Alcantara, after the garrison had withstood several assaults, was taken sword in hand; and the city of Albuquerque, alarmed by its fate, surrendered on terms of capitulation. The marquis de Minas, who was at the head of the Portuguese army in Beira, marched against Salvatierra, which was delivered up to him by the treachery of the governor<sup>22</sup>. The garrison of Sarca, hearing of his progress, evacuated the town, which was made a prey to the rapacity of the Portuguese soldiers, and afterwards consigned to the flames. Upon the approach of a superior army of French and Spaniards, the marquis was obliged to retire to Penamacos, after he had levied large contributions from the Spaniards<sup>23</sup>. Repeated attempts were made by the allies to get possession of Badajoz, and frustrated by the expedition and good conduct of the marquis de Thesse<sup>24</sup>.

The success of the allied armies in Valencia and Catalonia was still more distinguished and permanent. A variety of circumstances now concurred to impair the attachment of the Spaniards to king Philip; and rendered many persons of great influence in that king-

<sup>20</sup> Monthly Mercury, August.<sup>21</sup> Quincy, tom. iv. p. 627.<sup>22</sup> Id. p. 635. Monthly Mercury, May.<sup>23</sup> Monthly Mercury, May. History of

Europe, vol. x. p. 191.

<sup>24</sup> Monthly Mercury, June, October. Annals of Anne, 1705, p. 164. 170.

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dom favourable to the pretensions of Charles. The ascendancy of French counsels, the overbearing demeanour of their officers and nobility, and the contempt which the sovereign himself indiscreetly discovered for the maxims and habits of his new subjects, were highly disgusting to the Spanish grandees who had hitherto befriended his cause. Their discontent had been expressed by remonstrances to the ministers of Philip, against certain innovations which they considered as disparaging to their order, as well as to the honour of their native kingdom; and the neglect with which their remonstrances were treated inflamed and animated their disaffection. Several persons were apprehended upon the suspicion of a conspiracy; and some were convicted and punished upon the evidence of their having taken measures to support the Austrian interest<sup>25</sup>. In consequence of authentic intelligence relative to these facts, it was determined by the confederate commanders at Lisbon, that the combined fleet, with as many of the troops as could be spared from the grand army, should make a descent in Catalonia, where king Charles had the greatest number of friends<sup>26</sup>.

In prosecution of this design, it sailed from Lisbon on the 22d June, received a considerable addition of troops from the garrison of Gibraltar, and arrived at Altea bay, where Charles met with the most flattering omens of his future success. Several thousands of the people from the adjacent country flocked to his standard, and anticipated his orders by seizing the town of Denia in his name. From this place the fleet directed its course to the coast of Catalonia: when it came in sight of Barcelona, multitudes crowded to the shore, expressing the most joyful congratulations upon the approach of their sovereign; and as a pledge of their future services,

<sup>25</sup> Berwick, vol. i. p. 258. St. Simon, fleet of twenty-nine sail of the line, besides tom. iii. p. 206. Annals Anne, 1705, p. 155. frigates, &c. Sir Claudley Shovel commanded the fleet, and lord Peterborough the English troops. Lives of the Admirals, vol. iii. p. 86.

<sup>26</sup> Salmon, vol. xxv. p. 263. The force attending king Charles consisted of eight thousand foot and eight hundred horse; the

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assisted the troops to disembark<sup>27</sup>. Notwithstanding these promising appearances, there were just grounds for deliberating on the expediency of undertaking the siege of Barcelona. The garrison, consisting of a body of veteran troops little inferior to the number of assailants, was amply furnished with every necessary for a long and vigorous defence, while the army of Charles was scantily provided in stores. The men who joined him from the country were raw and undisciplined, and their fidelity and perseverance extremely precarious and doubtful<sup>28</sup>. The obstinacy of Charles, whose mind seems to have been more occupied by the consequences of success, than the difficulties which obstructed the attainment of it, overruled the objections of the English and Dutch officers, and the resolution was taken for investing the town<sup>29</sup>. The combined army, for the reasons already assigned, was not in a situation to continue the siege for any considerable time; and the only method to shorten their operations, was a successful assault upon the fort of Montjuic, which stood on the side of the hill above the town. This hazardous enterprise was suggested to the principal commanders by the prince of Hesse, who at the same time undertook to conduct it, and to be answerable for its success<sup>30</sup>. The hopes of the prince were encouraged by the deserters, who informed him, that the defence of the fort was trusted to a weak guard, because it was taken for granted, that its natural strength would deter the besiegers from

<sup>27</sup> Monthly Mercury, August.

<sup>28</sup> Carlton's Memorials, p. 86. Lond. 1728. Quincy, tom. iv. p. 648. Account of the Conduct of the Earl of Peterborough, p. 18. Lond. 1707.

<sup>29</sup> Cunningham, vol. i. p. 432. Tindal, vol. vi. p. 241. The earl of Peterborough, together with the rest of the confederate generals, disapproved of the siege; but afterwards, in compliance to king Charles, yielded to it. Compare Friend's Account of the Conduct of the Earl of Peterborough, p. 18. Impartial Inquiry, p. 30. Letter from on board the

Britannia, 14th August.

<sup>30</sup> Lives of the Admirals, vol. iii. p. 88. Cunningham, vol. i. p. 432. Carlton, p. 90. The author of the Account of the Conduct of the Earl of Peterborough ascribes the proposal of making an attack upon Montjuic entirely to the earl; but, as he is evidently partial to his hero, and acknowledges that the earl incited the prince to assist in that action, I have followed the opinion of the generality of the historians. Compare Conduct of the Earl of Peterborough, p. 38, &c. with the authors above cited.

making

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making any attempt upon it. That the prince might fully avail himself of this intelligence, it was necessary to conceal his design of storming the fort, till the very moment of carrying it into execution. The troops selected for this service were led out on the night of the 13th September, on the side of Barcelona the most distant from the fort, and thence taking a compass, they ascended the back of the hill on which it stood; and by an unexpected and impetuous attack upon the outworks, easily became masters of them. Much however remained to be done, and the capture of the fort must have been difficult and uncertain, if a singular concurrence of fortunate circumstances had not, at this critical moment, attended the arms of the allies. The commander of the fort was just preparing to fall out upon the small body of the combined troops which had first arrived, and which, being fatigued with climbing the hill and forcing the outworks, was incapable of making a stand, when hearing the name of the prince of Hesse resounded with loud and emphatical exclamation by some of the assailants, he concluded that that brave officer was coming up with additional force to support the earl of Peterborough, and that it would be safer to remain upon the defensive within his works<sup>31</sup>. The storming of the fort must have been attended with great slaughter, and the issue of it uncertain, if one of the bombs thrown from the outworks had not fallen into the powder magazine, and occasioned an explosion, which destroyed the commander and some of the principal officers, and filled the garrison with such consternation and horror, that they made a signal for surrendering, and delivered up the castle. After the town had been bombarded for a few days, don Francisco Valesco, the governor, was constrained by the importunity of the inhabitants, who were favourable to king Charles, to admit his troops

17th Sept.

4th Oct.

<sup>31</sup> Tindal, vol. vi. p. 251, 2. The exclamation alluded to was occasioned by the death of the prince of Hesse, who fell, leading on his men to the attack of the outworks, an accident which, if it had been discovered by the garrison, might have re-animated its courage and proved fatal to the assailants.



upon terms of capitulation<sup>32</sup>. The Catalonians now devoted themselves to his service, with every appearance of sincerity, and, with the assistance of the English and Dutch forces, soon overran the principal towns, which were garrisoned with French troops. The whole province of Catalonia declared for the house of Austria. Tarragona, Tortosa, Lerida, Gironne, Fort Rosés, and St. Matheo in Arragon, being weakly garrisoned, either voluntarily yielded, or made slight resistance to the victorious confederates<sup>33</sup>. The enemy made an attempt to retake St. Matheo, and to cut off the communication between Catalonia and Valencia; but the earl of Peterborough, with astonishing expedition, marched to its relief, and afterwards extended the dominion of Charles over the whole kingdom of Valencia<sup>34</sup>. The boldness and enterprising spirit, or perhaps the temerity of this commander, the ingenuity with which he extricated himself from the most pressing embarrassments, his perseverance and fortitude in surmounting the most threatening dangers, the rapidity and extent of his conquests, exhibit a series of events the most interesting and wonderful that occur in the annals of modern war<sup>35</sup>.

When we survey the success of the Spanish campaign in a detached view, it is justly entitled to a very high degree of estimation.

<sup>32</sup> Tindal, vol. vi. p. 251, 2. Quincy, tom. iv. p. 649. Carleton, p. 108. Sir Claudisley Shovel had a great share in the success of the expedition against Barcelona, not only by bombarding the town from the sea, but by supplying the earl of Peterborough with money for subsisting the army out of the contingent and short allowance money of the fleet, and with guns and shot, without which the siege could not have been carried on by land. The common sailors exerted themselves with wonderful alacrity; dragged the cannon and heavy mortars up the precipices, where horses could not have gone. Carleton, p. 110.

<sup>33</sup> Id. p. 123. Berwick, vol. i. p. 265. Quincy, tom. iv. p. 651.

<sup>34</sup> Salmon, vol. xxv. p. 276. King Charles was near being assassinated after he became master of the city; and above a hundred, who had entered into a conspiracy against him, were put to death.

<sup>35</sup> Account of the Conduct of the Earl of Peterborough, p. 205. The earl of Peterborough was the most remarkable man in his age for expedition, even where nothing of importance depended upon it. He is said to have seen more kings and more positions than any man in Europe. Walpole's Catalogue of Royal and Noble Authors, vol. ii. p. 126. See a concise and interesting detail of the earl of Peterborough's exploits, Carleton's Memoirs, p. 124, &c.

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Its consequence, however, appears questionable, and is certainly lessened, when we consider, that as it was purchased by detaining the force destined for the relief of Italy, so it became the principal cause of the misfortunes of the allies there. It was the intention of the English ministry, that the army and fleet, under the command of the earl of Peterborough, should have been employed to make a diversion in favour of the duke of Savoy, by the attack of Naples and Sicily. The earl was prevailed upon, not without great reluctance, by the importunate sollicitations of Charles, to abandon the original plan of his destination, and to co-operate in the reduction of Catalonia and Valencia<sup>36</sup>. He could not foresee, nor could his most sanguine friends have imagined, that a service so replete with difficulties and hazards, was to be finally productive of success and glory which have immortalized his name.

The contest for the crown of Poland continued during this campaign; and the force and activity of the revolted Hungarians still occasioned great fear and anxiety at the court of Vienna; and both these events diminished the steadiness and force of its exertions, in concurrence with the allies.

The operations at sea have been, in a great measure, anticipated in the preceding pages. The superiority of the confederate fleet in the channel deterred that of the French from coming out of Brest; and the Toulon squadron, in consequence of the damage it had sustained in the engagement with sir George Rooke, remained in harbour all this summer<sup>37</sup>. Twelve ships belonging to the Baltic trade, with their convoy consisting of three ships of war, were taken by the Dunkirk squadron, under the command of the chevalier de St. Paul<sup>38</sup>; but many of the French privateers being taken by cruisers, the trade of England and Holland suffered less than it had

<sup>36</sup> Cunningham, vol. i. p. 431.

<sup>37</sup> Tindal, vol. vi. p. 269.

<sup>38</sup> Quincy, tom. iv. p. 662. Lives of the Admirals, vol. iii. p. 91.

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done



CHAP. V. 1705. done in any campaign since the commencement of the war<sup>39</sup>. After the surrender of Barcelona, sir Claudfley Shovel, having left a few ships with sir John Leake in the Mediterranean, returned to England with the rest of his fleet<sup>40</sup>.

At the conclusion of the campaign, the duke of Marlborough went to Vienna, in consequence of pressing letters from the new emperor, in order to settle a plan for the next campaign<sup>41</sup>. The duke was well pleased with an opportunity of representing to him the disappointments and injuries which the grand alliance had sustained from the remissness of his ministers and generals; and to persuade him to enter into terms of reconciliation with his subjects in Hungary, whose revolt distracted the exertions, and wasted the blood of the best troops of Germany. But, though the duke acquired the entire confidence of Joseph, he had not the good fortune to succeed in the objects, to which his address and masterly talents for negotiation were now directed. The same listlessness, delay, and treachery, marked the conduct of the Imperial cabinet during the subsequent years of the war; and, instead of endeavouring to reclaim his rebellious subjects by the adoption of lenient and moderate measures, the new emperor trod in the footsteps of his predecessor; and, by persevering in haughtiness and oppression, rendered disaffection more stubborn and furious.

<sup>39</sup> Burnet, vol. v. p. 841.

<sup>40</sup> Lives of the Admirals, vol. iii. p. 89.

<sup>41</sup> Military History of Marlborough, p. 82. The emperor Leopold died at Vienna on the 5th May. Although he never had been in a camp, he was passionately fond of war; and, by the interposition of able generals, his reign was distinguished by a greater share of military glory than that of any of his predecessors since the period of Charles V.

His person was ugly, his manners rude, his temper monkish and solitary, but he pene-

trated instinctively into the talents and characters of men; and always made choice of ministers and generals, the fittest for the employments he assigned them. All the interesting events, which occurred in Germany and the surrounding states, he improved with wonderful sagacity to the aggrandizement of his own family: from the incessant prosecution of this object, he never was restrained by any obligations of honour and conscience. St. Simon, tom. vi. p. 175. tom. vii. p. 67.

The

CHAP. V. 1705. The duke of Marlborough was more successful in the visits which he made to the courts of Prussia and Hanover, in his return from Vienna. He fixed the wavering disposition of the king of Prussia, and persuaded him to renew his treaty with the allies for the Prussian forces<sup>42</sup>. He removed the fears of the elector of Hanover, with respect to his succession to the crown of England, the prospect of which secured his fidelity, and invigorated his exertions in the subsequent campaign.

<sup>42</sup> The king of Prussia had grown cold to the alliance after the death of the queen his wife, 8th February 1705, who was the daughter of the elector of Hanover by the princess Sophia. The connection between these families was again renewed; and the king of Prussia's attachment to the alliance confirmed by the marriage of his son, the prince royal, to the princess of Hanover. Appendix, N<sup>o</sup> VII.

## CHAP. VI.

*Keen Competition between Whigs and Tories at the General Election.—Promotions in favour of the Whigs.—Meeting of the second Parliament.—The Queen's Speech.—Choice of a Speaker.—Addresses.—Motion for inviting the Princess Sophia to England—Rejected.—Views of the Tories in supporting this Motion.—The Queen distressed by it.—Throws herself entirely into the Confidence of the Whigs.—Some of the latter, displeased with their Ministerial Friends, vote with the Tories.—Court of Hanover takes Umbrage at the Whigs.—Regency Bill in the House of Lords—Objections to it—Carried.—Act for naturalizing the Princess Sophia.—Motion for inquiring into the Misconducts of the last Campaign—Opposed by the Ministry.—Additional Supply voted on account of the Success of King Charles.—The Question concerning the Danger of the Church.—Debates.—Vote of the Lords against those who insinuated that the Church was in danger—Approved of by the Commons.—The Duke of Marlborough thanked.—Lancashire Petition.—A Bill for more effectually preventing the Growth of Popery—Rejected.—Complaint and Petition of the Inhabitants of Carolina.—Resolutions of the Lords upon it.—Sir Rowland Gwyn's Letter.—Bill for correcting the Proceedings of the Courts of Law.—Supplies.—Acts, relative to Scotland, repealed.—Parliament prorogued.—Proceedings of the Convocation.—The Whigs and Tories Rivals at the Court of Hanover.—The Earl of Halifax sent there.—Lays the Foundation of the Barrier Treaty.—Court of Hanover reconciled to the Whigs.*

CHAP. VI. 1705. THE contending factions, during the dependence of the elections, called the public attention to those topics which seemed best calculated for rendering the prejudices of the voters subservient to their own interested views. The Tories endeavoured to excite a general alarm for the safety of the church, as if it had been endangered by the ill designs and growing favour of their antagonists; and the Whigs were industrious in disseminating unfavourable impressions of the Tories, as unfriendly to the protestant succession;

to

to the war so glorious for the nation; and to the freedom and independence of electors, a point which wounded the constitution in a vital part<sup>1</sup>. CHAP. VI. 1705.

The former were assisted by the country clergy, who were generally fired with that zeal which had broken out in the lower house of convocation; and the latter, by the protestant dissenters of every description, who united their exertions to prevent the superiority of a party, which had nearly accomplished the extinction of their influence by the bill against occasional conformity. The Whigs were indebted to a prevailing opinion among the electors, that the good wishes of the court were for them, rather than to any active or decided interposition of the ministers in support of their friends<sup>2</sup>.

At the close of the elections, it appeared that a majority of the new elected representatives was in the interest of the Whigs; and the hopes of that party were still farther encouraged by the promotions which took place during the interval of parliament. The privy seal was taken from the duke of Buckingham, and given to the duke of Newcastle: sir Nathan Wright, who had long enjoyed the office of lord keeper, was dismissed, and the great seal put under the custody of William Cowper, distinguished by his professional ability and his zeal for the Whigs<sup>3</sup>.

The second parliament of queen Anne met on the 25th October 1705. The strength of parties in the house of commons was soon tried in the election of the speaker. Mr. Smith, a steady adherent to the Whigs, was recommended by the marquis of Granby, and Mr. Walpole; Mr. Bromley, who had been an able advocate for the bill against occasional conformity, was proposed by the earl of Dysart, and supported by the most celebrated speakers on the side of the Tories. A debate, of greater length than usual on this sub-

<sup>1</sup> Annals Anne, 1705.<sup>2</sup> Tindal, vol. vi. p. 273.<sup>3</sup> Id. p. 275. 277.

ject,

CHAP. VI. 1705. jeſt, took place, and after the diviſion of the houſe, Mr. Smith was preferred by a majority of forty-three votes.

Her majeſty expreſſed her great ſatisfaction upon ſuch a full attendance of the members at the opening of parliament, as it afforded her ground to conclude, that they were all convinced of the neceſſity of continuing the war; and of the great importance of making timely preparations for it. Nothing, ſhe ſaid, could be more evident than that the balance of power would be deſtroyed, if the French king continued maſter of the Spaniſh monarchy, a proſpect in which no good Engliſhman could acquieſce; eſpecially, as, by the bleſſing of God on the allied arms, a foundation was now laid for reſtoring Spain to the houſe of Auſtria. She praiſed the firmneſs of the duke of Savoy, and the ſervices of the king of Pruſſia, and recommended both theſe princes to the generoſity of parliament. She informed them, that the ſtates in Scotland had paſſed an act for treating of an union; and that ſhe intended ſoon to appoint commiſſioners for entering on that buſineſs. She expreſſed deep concern to find, that ſome of her ſubjects were ſtill diſpoſed to foment animoſities, by repreſenting the church to be in danger; declared that ſhe conſidered all ſuch as *enemies to herſelf and the kingdom*; and promiſed to ſupport the eſta bliſhed form of religion, and to maintain the toleration.

31ſt and 6th November. Both houſes teſtified their high approbation of her majeſty's ſentiments, in the common forms of addreſs.

The Whigs were not aſhamed to retaliate upon their antagoniſts, by the partiality of their deciſions, relative to caſes of controverted elections; and increaſed their majority in the lower houſe from ſeventy to a hundred\*.

The lords and commons preſented ſeparate addreſſes upon the ſubject of the union, acknowledging her majeſty's care of the pro-

\* Burnet, vol. v. p. 851.

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teſtant ſucceſſion; and requeſting that all the papers, tending to throw light on the proceedings of the laſt ſeſſion of the Scottiſh parliament, might be ſubmitted to their inſpection.

After the reading of theſe papers in the houſe of peers, lord Ha-verſham, who was now ſtriving for the fame of patriotiſm and of eloquence, entered into a long and vehement declamation upon the ſtate of the nation. He complained of the inactivity of the laſt campaign; and arraigned the treachery of the Germans, and the timidity of the Dutch, which had ſtopped the career of Engliſh glory. He lamented the decline of trade and manufactures, occaſioned by the culpable inattention of miniſters to naval affairs. He laid the principal ſtreſs of his ſpeech upon the advantages which would redound to the church and the kingdom, from the reſidence of the preſumptive heir to the crown in England; and concluded with moving for an addreſs to her majeſty for that purpoſe. The motion was ſupported by the leaders of the Tories, and oppoſed by the Whig lords in adminiſtration.

The moſt ſubſtantial arguments, brought forward by the advocates for the addreſs, were, the importance of the proteſtant ſucceſſion to the conſtitution; the obligations incumbent on the members of the legiſlature to promote it; the danger to which it would be expoſed upon the vacancy of the throne, while the deſtined ſucceſſor was at ſo great a diſtance, and his rival ſo near the ſcene of conteſt; and the hoſtile diſpoſition of Scotland, avowed and rendered formidable by the act of ſecurity.

The Whigs founded their oppoſition to the motion, chiefly upon its delicate nature, which excluded the interference of the legiſlature, unleſs it had been invited by the voluntary deſire of the parties concerned. As it had not originated with the queen, which it ought in propriety to have done, ſo the next ſucceſſor had expreſſed entire ſatisfaction with her majeſty's aſſurances to maintain the proteſtant ſettlement. The affections of the people of England alone afforded ample ſecurity for its final accompliſhment. The principal danger,

CHAP. VI. 1705. danger, impending from the act of security passed in the Scottish parliament, would be prevented by the union of which they had now a near prospect<sup>5</sup>.

Although the Tories were ostensibly defeated by losing the question, yet they were not disappointed of the ends which they had in view by moving it. Finding that their early hopes of engrossing the favour of the court were blasted by a secret influence, and that even those projects, which were congenial with the strongest prejudices of the queen, as well as the fittest for establishing their own pre-eminence, had been turned to their discredit, they now surrendered themselves to the impulse of a vindictive spirit; and were but little scrupulous about the means of gratifying it, provided they could succeed in giving distress to the sovereign, and involving their antagonists in perplexity and reproach. A scheme, better adapted to these ends than the motion above mentioned, could not have been devised. The queen could not endure the thoughts of any of the electoral family coming to England, even for a transient visit; but the prospect of a rival court, and the residence of her successor, filled her with dread and horror. That disapprobation with which she had for some time past beheld the political conduct of the Tories was now inflamed into the keenest indignation; her early prepossessions for them were entirely abolished; she unboomed herself to her confidential friends, and expressed her readiness to combine with any party, and to pay any price for being delivered from a condition the most humiliating and distressful into which royalty could sink<sup>6</sup>. As the proposal was in the highest degree offensive to the queen, so it was urged by some of the principal speakers in the most aggravating terms of rudeness and indignity. Her majesty felt an irresistible inclination to hear a debate, in the issue of which she was so deeply interested, and expected, perhaps, that her presence would restrain licentiousness of speech, and prevent any expressions

<sup>5</sup> Tindal, vol. vi. p. 287, 288.

<sup>6</sup> Conduct of the Dukes of Marlborough, p. 152. of

of personal contempt, which might afterwards hurt her sensibility and honour. But she paid dear for her curiosity; and the royal preference, instead of exciting impressions of awe and reverence, only contributed to sharpen the acrimony of a faction, which had formerly erected the fondest expectations on her favour to them. The duke of Buckingham urged it as an argument for inviting the princess Sophia, who was now in the seventy-sixth year of her age, that the queen might live till she did not know what she did, and be like a child in the hands of others<sup>7</sup>.

Although the leaders of the Whigs availed themselves of this favourable opportunity for rivetting the sovereign in their interest<sup>8</sup>, they did it not without immediate loss of reputation, and the hazard of forfeiting for ever the confidence of the successor. Their friends in the country, ignorant, or not approving of the prudential motives which now influenced their conduct, were astonished and angry when they heard of the rejection of a measure that seemed to supersede every other security for the protestant succession, the primary object, to which all the zeal and exertion of the Whigs had been hitherto directed<sup>9</sup>. Under these impressions, some of the staunch Whigs, in the upper house, voted with the Tories, in opposition to the ministry<sup>10</sup>; while others of their party supported them but coldly, from a sense of the awkward situation into which they were now brought by the intrusion of their antagonists into the ground which they themselves had hitherto occupied. But the greatest embarrassment, which the Whigs had to encounter at this time, arose from

<sup>7</sup> Conduct of the Dukes of Marlborough, p. 159. "and will countenance them, and am thoroughly convinced of the malice and influence of them that you have always been speaking against." Conduct of the Dukes of Marlborough, p. 159.

<sup>8</sup> Her majesty, upon this occasion, expressed her sentiments in the following words, in a letter to the dukes of Marlborough: "I believe, dear Mrs. Freeman and I shall not disagree as we have formerly done; for I am sensible of the services those people have done me that you have a good opinion of,

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CHAP. VI. 1705. the unfavourable light in which they must appear to the court of Hanover. Being taken by surprise, they had no opportunity of preparing the electoral family for their apparent and temporary dereliction of its interest; and of preventing the shock which the first aspect of their conduct was likely to produce. An invitation to the court of England, as it flattered the vanity of the princess Sophia, whose address and vivacity rendered her eminently qualified for shining in the higher circles of life, and conciliating popular favour, so it appeared the most effectual expedient for guarding the act of settlement, and ensuring the future aggrandizement of her family<sup>11</sup>.

15th April. After hearing of the fate of the motion, she wrote a letter to the archbishop of Canterbury, one of the few Whigs who supported it, expressing more than suspicions of the integrity of some who had been numbered among the friends of her family; and declaring her readiness to comply with the desire of the parliament, if they thought it for the good of the kingdom to invite her to reside in England; and that she wished her sentiments to be communicated, in order to prevent any idea of her being indifferent to the honour that had been intended for her<sup>12</sup>.

The ministers lost no time in adopting the most effectual measures for removing the uneasiness of their friends, and demonstrating their steadfast adherence to those political principles which they had formerly maintained. As soon as the question for inviting the princess Sophia to England was disposed of, it was moved and resolved, that the house should consider "what might be fitting for the preservation of her majesty's person and government, and the protestant succession." In pursuance of this resolution, a bill was brought in for appointing a regency, or commission of lords justices, who, upon the event of the queen's death, should be empowered to assume the administration of government, in name of

<sup>11</sup> Tindal, vol. vi. p. 296.

<sup>12</sup> Idem.

the absent successor; and that the parliament, if prorogued, should immediately meet, and if dissolved, that the last one should revive and continue sitting for six months<sup>13</sup>.

The Tories exposed themselves to the censure of a double inconsistency, by opposing this bill, both on the ground of its being inadequate to the security of the protestant succession, and, at the same time, of its relaxing those restraints upon prerogative of which they now professed to be exceedingly jealous. In the last objection, they were joined by some of the Whigs, who, more consistently, disapproved of the provision for continuing the parliament, because it destroyed the incapacitating clause in the act of settlement, which they deemed an important improvement of the constitution<sup>14</sup>. This combined opposition rendered the progress of the bill in the house of commons tedious and difficult; and obliged the upper house to admit such amendments, as brought the disputes between the ministers and their Whig friends to a compromise, by yielding, in part, to the desire of the latter. After the regency act, a bill was passed with the utmost expedition for naturalizing the princess Sophia and her issue<sup>15</sup>.

#### A motion

<sup>13</sup> Journals Lords, 15th, 19th November, &c. It was intitled, "An Act for the better Security of her Majesty's Person and Government, and of the Succession of the Crown of England in the Protestant Line." The archbishop of Canterbury, the chancellor, the lord high treasurer, the president of the council, privy seal, high admiral, and chief justice of the King's Bench, were empowered to act in the name of the successor till his arrival in England. The successor himself was also empowered to nominate, by three instruments under hand and seal, so many persons, natural-born subjects of England, to be added to those above mentioned, to act as fully as if they had been particularly named by the parliament. These three instruments were to be deposited with the successor's resident, the archbishop of Canterbury, and the lord chancellor. Annals Anne, 1705. Appendix, N° XIX.

<sup>14</sup> By the act which first settled the succession, it was declared, that when the crown should pass into the house of Hanover, no person, who had either place or pension, should be capable of sitting in the house of commons; but the clause in the bill which empowered the existing parliament, or that which had been dissolved, to sit for six months, destroyed this limitation.

<sup>15</sup> The Tories, who opposed the bill, moved for various limitations to be imposed upon the regents, namely, preventing them to consent to the repeal of the act of uniformity,—the acts against Roman Catholics,—the settlement of the succession of the crown in the house of Hanover,—the habeas corpus, &c. Journals Lords, 3d December. It deserves notice, that the Whigs were inclined to deny the power of parliament to impose limitations upon the regency; but the judges were of opinion that



1705.

A motion was made in the house of lords, for inquiring into the miscarriages of the last campaign, which had greatly disappointed the expectations of the people; and for an address to the queen, requesting her to communicate the information which she had received concerning transactions on the continent. The arguments, brought forward by the ministers to evade this inquiry, evinced their consciousness, that the conduct of the allies could not bear that strict scrutiny which the public interest required; and which, if it had been prosecuted at this time, might have proved a seasonable check to abuses, but too much fostered by the connivance and forbearance of the Whig ministers. It was represented, that the management of all business relative to the allies belonged entirely to the crown; that accidents, and the treachery of those whom they employed, might be the cause of their failing in the performance of engagements, without any criminality being imputable to them; and that as they were not amenable to the jurisdiction of the English parliament, and could not be heard in their own defence, it would be unjust to proceed to resolutions implying any censure of their conduct. To solace the allies for being ill treated by moving this business, an address was voted in the house of lords, and afterwards agreed to by the commons, beseeching the queen to use her utmost endeavours to preserve a good correspondence among the confederates, and particularly to cultivate a strict friendship with the United States. Both houses were rendered more obsequious to the inclina-

27th Nov.

28th.

that it might lawfully be done. Tindal, vol. vi. p. 295. These limitations were all rejected, except the first, to which the ministers consented for sake of peace, not expecting that any farther limitations would have been proposed.

Many conferences passed between the two houses, before the commons were prevailed upon to consent to the bill. The perusal of them will furnish the reader with a compendious view of the principal arguments, relative to the important question of restricting the eligibility of persons in office under the crown.

See Journals Commons, 24th January, 4th, 11th, 18th February. Journals Lords, 29th, 31st January, 11th, 19th February, 1706.

It was at length settled, that several offices, which were enumerated, should disqualify the persons who held them for sitting in the house of commons; and every member of the house, accepting of any other office, was to vacate his seat; but the electors were still to have the option of returning him or not, as they pleased. Id. The regency bill was passed without commitment, in honour of the Electoral family.

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1705.

tions of the ministers, by the favourable accounts of the expedition against Spain, which were brought to London during the dependence of the above question, and communicated to them by her majesty in person, on the day the address was presented. The commons, in testimony of their joy, augmented the supplies; and voted the sum of two hundred and fifty thousand pounds, for enabling king Charles to complete his successes.

27th Nov.

30th.

The superiority, which the leading party experienced in every question that had already occurred, betrayed them into a forward and unnecessary refutation of those charges, which their antagonists were endeavouring to propagate to the discredit of their principles. The danger of the church, under the present administration, had been insinuated by the Tories in the course of the different debates which took place on the state of the nation. No specific motion however had been introduced upon that point, nor did it as yet appear to make any impression upon the people, who generally thought well of the present ministers. But the latter were not content with a negative approbation of their conduct, nor did they choose to reserve themselves merely for defensive hostility. They were determined to drag their enemies into the field of controversy, and to enjoy the gratification of a triumph, by obtaining the explicit attestation of the legislature in their favour. In consequence of a motion from lord Halifax, a day was appointed for inquiring into the danger of the church.

6th Dec.

By those who supported the affirmative side of the question, a distinction was made between the dispositions of the queen, and those of her ministers; and between her influence and theirs. The former was admitted to be favourable, but the latter, which now absorbed and overruled it, was represented as hostile to the established religion. The proofs of this charge, as well as the impending danger of the church, were deduced from the opposition made to the bill against occasional conformity; from the act of security in Scotland, which put arms into the hands of a people wedded

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CHAP. VI. 1705, 6. to a religion, that had formerly subverted episcopacy in England; and from the rapid increase of dissenting seminaries. Agreeably to that tone of politics which the Tories had recently adopted, they lamented that the established religion, already in a languishing condition, had received a deep wound from the opposition of the party in power to the proposal for inviting the princess Sophia to fix her residence in England.

On the other side it was argued, that the dispositions and character of the sovereign were a powerful guarantee for the safety of the church; that after her majesty had often and solemnly declared her zealous attachment to it, any insinuations to the contrary were disparaging to her honour. The bill against occasional conformity had been rejected, after deliberate discussion, in three several sessions, from an increasing conviction of its tendency to propagate disunion and jealousies among her majesty's subjects. The act of security in Scotland related entirely to the civil interest of that kingdom; and whatever the apprehensions of some persons might be from its remote effects; yet as the repeal of that act was combined with the treaty of union, the ground of such apprehensions would soon be removed. The presbyterian schools did not exceed, in number, those taught by non-jurors, which yet did not give the smallest uneasiness to the persons who were so much alarmed about the safety of the protestant settlement. As to the fatal consequences arising from the defeat of the motion for bringing the Hanoverian family into England; it was observed, that the novelty of the argument rendered it suspicious, and exhibited such strange versatility of opinion in the persons who had recourse to it, as utterly destroyed the belief of their being themselves in earnest. For when the Hanoverian succession was first proposed, some of the high church zealots had objected to it, because that family had been educated in a system of faith and worship, tending to prejudice them against the English establishment.

After

After a division of the house, thirty voted for the question, and sixty-one against it. It was resolved, that the church was in a safe and flourishing condition; and that whosoever should suggest the contrary, was an enemy to the queen and the nation<sup>16</sup>. This resolution the lords transmitted to the commons for their concurrence, which, after a debate, the same in substance with what has been already detailed, was carried by a considerable majority; and both houses joined in an address to the queen, beseeching her, to take effectual measures for making their resolution public; and for punishing the authors of seditious reports. The queen expressed her satisfaction with these measures, and immediately ordered a proclamation to be issued for discovering the author of the memorial of the church of England, which contained the most injurious reflections upon the conduct of the present ministers, and the dissenters<sup>17</sup>.

In consequence of a petition from the gentry and clergy in Lancashire, complaining of several grievances arising from the increase of popish priests and emissaries, a bill was brought in by the house of commons, to render more effectual the act of the eleventh year of his late majesty for preventing the growth of popery<sup>18</sup>. The clause in that act, relative to the deprivation of the Roman Catholic heir, owing to an obscurity of expression which was not intended by the framers of it, was the cause of great uncertainty with respect to the person who had the right of instituting the prosecution; and thereby restrained the activity of self-interest, which was all that was wanting to render the law productive of the most cruel oppression to

<sup>16</sup> Lords Debates, vol. ii. p. 160. Impartial View of the two late Parliaments, p. 40. Twenty-four of the lords, and two of the bishops entered a protest against this resolution.

<sup>17</sup> This pamphlet was composed by Dr. Drake, assisted by Mr. Poley, Mr. Ward, and sir Humphrey Mackworth; but no proof could be found against them. Biographia Britannica.

<sup>18</sup> Bills were introduced in both houses immediately upon this petition. That from the lords was intitled, "A Bill for preventing the further Growth of Popery." Journals Lords, 28th February. That from the commons, which was the principal object of attention, was intitled, "A Bill for making more effectual the Act of the eleventh Year of His late Majesty's Reign." Journals Commons, 27th February.

Roman

CHAP. VI. Roman Catholic proprietors<sup>19</sup>. The intention of the present bill was to remove every check upon the operation of the former one; and this, as might be expected, occasioned anxious applications to the court, from the Roman Catholics, to avert the consummation of severity with which they were threatened. The bill, however, though extremely exceptionable, both in a political and moral view, was favoured with a third reading in the house of commons, and then rejected by a majority of one hundred and nineteen against forty-three. Both houses addressed the queen upon the subject of the Lancashire petition; the commons, requesting that the laws might be executed against all such persons as should endeavour to pervert her majesty's subjects to the popish religion; and the lords, recommending a stricter observation of popish priests and papists for the future; and desiring a particular account of their number, estates, and residence to be laid before them next session of parliament.

The only material interference of the English legislature with the internal government of America, during this reign, occurred in the present session, and was occasioned by some late regulations concerning religion, adopted by the governor and assembly in the province of Carolina, contrary to the original charter, and the fundamental constitution of the colony. By the former, while the ecclesiastical government, like that of the other colonies, was subjected to the bishop of London, a provision was made for indulgence to every sect of Christians; and by the latter, framed agreeably to the regulations prescribed by the charter, it was declared, that no person should be disqualified for being a member of the general assembly,

<sup>19</sup> By the act of the eleventh of king William, it was provided, that all papists, after they had reached the age of eighteen, should take the oaths of allegiance and supremacy; and if they did not, their estates were to descend to the nearest protestant heir. The Roman Catholics evaded this clause in two ways: 1st, There being, in all families, a gradation of age among the several heirs to the same estate, it happened, that though the person,

who was come to the age of eighteen, did not take the oaths prescribed by the law, yet the title of protestant heir remained undecided, as long as the next popish heir was under eighteen. 2dly, The difficulty of proving a negative, or that a person had not taken the oath, often prevented the next heir from attempting it, though he might be prompted by zeal, as well as interest, to supplant his popish relation.

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or for any civil office, on account of his religion. In violation of these equitable provisions, the governor and assembly had lately passed an act, incorporating a body of laymen to take cognizance of the conduct of the parochial clergy, and to inflict punishment even to deprivation, not only for immorality, but for such offences as might arise from prejudice or imprudence<sup>20</sup>. As, by this act, the authority of the bishop of London was superseded; so the religious indulgence, granted by the charter, was defeated by another, disqualifying every person for office, who did not receive the sacrament according to the rites of the church of England; assigning erroneously as the ground of this restriction, that all the members of the legislature in the mother-country were obliged to submit to the Test act. With unaccountable inconsistency, a provision was made by a clause of the same act, for exempting, from its penal threats, all non-conformists who were free to swear that they had not received the sacrament, for one year preceding, in any dissenting congregation. From these two contradictory regulations, it was suspected, that the authors really meant to discourage every form of religion, rather than to depress all others for promoting the superiority of a particular one. Several examples of irregularity and violence had occurred both in the election and proceedings of the assembly, highly injurious to the peace and interest of the colony, and consequently to the trade and revenue of England. These several grievances, for which redress had been in vain solicited from the governor and proprietors, were stated in a petition to the lords, subscribed by a great number of the inhabitants of the colony, and London merchants trading there, praying for such relief as should appear proper.

After hearing council in defence of lord Granville, palatine of the province, the lords found that both the acts complained of, were repugnant to the original charter granted to the proprietors of

<sup>20</sup> The inhabitants compared the corporation to the high ecclesiastical commission court in England. Annals Anne, 1705, p. 230.

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CHAP. VI. 1705, 6. 12th March. the colony; that the former was inconsistent with the constitution of the church of England; that the second was unfounded, and tended to the encouragement of irreligion and the depopulation of the province. They communicated these resolutions in an address to the queen, beseeching her to prosecute the most effectual means for the relief of the province of Carolina. Her majesty, in answer, expressed her sense of the great consequence of the plantations to England; and promised to do every thing in her power to redress her subjects in Carolina, and to protect them in their just rights.

Notwithstanding the regency bill, many Whigs were dissatisfied with the ministers for having slighted the proposal of inviting the protestant heir to England; and some of them were not less industrious than the Tories in making it a handle for alarming the people. Among various publications to this effect, not one attracted greater notice than a letter written by sir Rowland Gwyne, then at the court of Hanover, to the earl of Stamford, inveighing against the inconsistency of the Whigs, and insinuating, that the electoral family was suspicious of their having designs adverse to its interest. The impression made by this publication was the more considerable, and gave great uneasiness to the queen and the ministry, because sir Rowland was supposed to have the confidence of the electors.

8th. A complaint was entered against the letter in the house of commons, where, after mature consideration, it was voted a malicious libel, tending to create a misunderstanding between her majesty and her successor; and it was resolved, that her majesty should be addressed to give orders for prosecuting the author and publishers. The lords concurred with the resolution of the lower house; and, that they might appear equally forward in this business, drew up the address to the queen, to which the commons agreed.<sup>21</sup>

11th, 12th, 13th.

Upon

<sup>21</sup> Charles Gildon, the publisher of sir Rowland Gwyne's letter was tried by the queen's bench, 12th May 1707, and fined in the sum of one hundred pounds, which was afterwards remitted.

The princess Sophia disavowed, for herself and her son, their having any part in sir Rowland Gwyne's letter. See her Letter, Hanover, 6th April 1706. Hanoverian papers. Macpherson. The name of the person, to whom

CHAP. VI. 1705, 6. 4th March. Upon a motion of lord Somers, a bill passed in the house of lords for correcting *some of the proceedings* in the common law and chancery, which were attended with great delay and expence to the parties concerned. When the bill was transmitted to the house of commons, great exertions were made against it by persons who were officially interested; and they prevailed in throwing out some of the most beneficial clauses. The lords, unwilling to enter into altercation with the commons, or to forego the public advantages that were likely to redound from the bill, so far as it had been adopted by the latter, consented to their amendments, though far short of that extensive reformation which was intended by the mover of it.<sup>22</sup>

Large supplies were demanded this session, and cheerfully granted.<sup>23</sup>

To pave the way for the union between the two kingdoms, which was now anxiously desired by the ministry, the several acts adopted by the last parliament, for guarding against any danger arising from the Scottish act of security, were repealed.<sup>24</sup>

Her majesty closed this session on the 19th March 1706, with a speech, expressing her entire satisfaction with the proceedings of both houses, and particularly with their zeal and unanimity to suppress every tendency to sedition.<sup>25</sup>

The revival of the Whig interest, upon the eve of the general elections, did not produce any sensible effect upon the clerical body; and the majority of members in the lower house of convocation still

whom the letter of the electors was addressed, is not mentioned; but it was evidently intended that it should be communicated, through Mr. Harley, to the queen. See also Letter of the Elector to Sir Rowland Gwyne, 12th April, 1707. Id.

<sup>22</sup> It was intitled, "An Act for the Amendment of the Law, and the better Advancement of Justice." Petitions against it were presented by the clerks in the remembrancer's office, Exchequer, &c. Journals Commons, 14th February. The lords seemed

very earnest for this bill. Journals and Debates Lords, 11th, 19th March.

<sup>23</sup> The total amount of the supplies granted this session, was five millions, eighty-six thousand, seven hundred and sixty-one pounds, sixteen shillings and two-pence.

<sup>24</sup> Journals Lords and Commons, November 23d, &c.

<sup>25</sup> This was one of the busiest sessions in the course of this reign; ninety-three acts, public and private, were passed. An uninterrupted harmony subsisted between the two houses.



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pursued that system of measures which tended to degrade the authority of their superiors. They not only declined joining in the address of the bishops to the queen, but haughtily refused to state their objections to it, and voted for a separate address of their own<sup>26</sup>. They held intermediate sessions, and claimed the power of putting their prolocutor in the chair without the confirmation of the archbishop. Their extreme violence disgusted many of their own members, and provoked the indignant interposition of the court. Of the former, not less than a third part entered a protestation against the proceedings voted by the majority; and the queen wrote a letter to the archbishop, intimating her displeasure at the conduct of the lower house, and requiring him to prorogue the convocation as long as appeared convenient<sup>27</sup>.

1707. The rebuke of the sovereign seemed at first to have answered the effect of overawing the litigious members of the convocation; for, at their next meeting, during the second session of parliament, the lower house unanimously adopted the address to the queen, drawn up by the bishops, though it acknowledged the church to be in a safe and flourishing condition<sup>28</sup>. This moderation however was but of short continuance. When the question of the union was about to come under the consideration of the English parliament, a committee was named by the lower house of convocation to consider the present danger of the church. To prevent an interference, from which every thing repugnant to the designs of administration and the public peace might have been expected, her majesty directed the archbishop to prorogue the convocation for three weeks, taking

<sup>26</sup> Impartial View of the two late Parliaments, p. 355. The only precedent for attempting to carry a separate address, was in the 6th session of the convocation 1689, when the lower house refused their assent to an address to the king, drawn up by the bishops; and afterwards resolved to frame an address for themselves. Complete History of the Convocation, p. 5. The claim, being new, was overruled by the bishop of London, who pre-

sided instead of the archbishop of Canterbury.

<sup>27</sup> Tindal, vol. vi. p. 341, &c.

<sup>28</sup> Id. p. 189, &c. What remains of the history of this convocation, being short, and but little interesting, is introduced in this place, though it be a deviation from strict chronological order. The long suspension of the convocation, after the facts which I am now going to mention, renders the introduction of them here more proper.

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it for granted, as it happened, that the business of the union would be brought to a conclusion before the lapse of that period<sup>29</sup>. Piqued by this unforeseen suspension of their proceedings, at a juncture so favourable for raising their own consequence, the lower house gave in a remonstrance to the bishops, grounded upon the allegation, that since the submission of the clergy in the reign of Henry VIII., no prorogation had ever been ordered during the sitting of parliament; but at the same time, under the pretence of a delicate respect for the royal authority, they waved any debate concerning the validity of the present prorogation.

Her majesty wrote a letter to the archbishop, threatening to resent these proceedings, as an invasion of the royal supremacy. When the bishops sent for the lower house to communicate her majesty's letter, several of the members attended, but the prolocutor was absent. Such a studied expression of contempt for the royal authority, and that of the bishops, could not be passed over with connivance and impunity. The archbishop pronounced a sentence of contumacy against the prolocutor, but reserved the punishment of his crime to a distant day; to which he prorogued the convocation, expecting, that such forbearance would produce submission: but it had the contrary effect; for the lower house, upon their meeting again, affected a mighty zeal for the supremacy, asserting that no process, which had been commenced before a prorogation upon the royal writ, could be resumed again after such prorogation; and by this device, they hoped to defend themselves under the shield of loyalty. Finding afterwards, that the court, instead of being soothed, was more than ever irritated by their grimace and audacity, the prolocutor made his submission, and the sentence of contumacy was taken off<sup>30</sup>.

From a conviction that these heats and contentions, which originated with the convocation, were spreading every day to the scandal of religion, and the disturbance of domestic peace, the

<sup>29</sup> Tindal, vol. vii. p. 189, &c.

<sup>30</sup> Id.



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queen was now determined to imitate the example of her predecessor, king William, by discontinuing all future meetings of the convocation. During the remainder of this, and the whole period of the next parliament, the convocation was prorogued from time to time, and prevented from entering upon business. Restrained from venting their polemical rancour under the shadow of legal authority, the turbulent clergy devoted themselves, with unwearied application, to cherish the latent embers of fanaticism, scattered in every corner of the country, which, after the lapse of a few years, broke out into the most violent combustion, and after convulsing the nation, consumed the firm fabric of the Whig administration.

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After the rise of the session, the scene of party competition was transferred from London to Hanover. The Whigs were afraid of losing irrecoverably the favour of the protestant heirs which they had hitherto engrossed; and the Tories entertained sanguine hopes of obtaining and keeping it, to the utter exclusion of their antagonists. Both made their court to that family, with the most solemn assurances of attachment and fidelity. The actual possession of power was perhaps the principal advantage which the one enjoyed above the other: for the Tories were only in a situation to make promises, while the Whigs enjoyed the opportunity of taking effectual steps for the interest of the protestant candidate. Lord Halifax

May.

was sent ambassador to the court of Hanover, to bear the strongest declarations of her majesty's steady favour to it; and to present the electoral prince with the honour of the garter<sup>21</sup>. This nobleman was not less distinguished by his address and ability, than by his uniform zeal for the protestant settlement, and was considered by the ministers as the fittest person to represent their conduct in the most favourable light, and to remove those evil surmises which had been excited by the artifices of their enemies, and the mysterious part they had acted upon the question for inviting the electress to

<sup>21</sup> History of Europe, 1706, p. 213.

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England<sup>22</sup>. The regency, the act for naturalizing the princess Sophia, and the union, on the eve of conclusion, were claimed as the sole and peculiar merit of the Whigs; and represented as exhausting every expedient and precaution within the compass of their power, for ensuring the Hanoverian succession<sup>23</sup>. As a farther evidence of their persevering diligence, lord Halifax was instructed to wait upon the ministers of the United States, in his way to Hanover, and to propose the scheme of a treaty to engage them to become guarantees for carrying into effect the protestant settlement, agreeable to the act passed by the parliament of England<sup>24</sup>. Though the dilatory forms of the States, with respect to the extension of their barrier, necessarily postponed the conclusion of this treaty, yet the endeavours of the Whig leaders at this time, were a strong testimony of their attachment to the protestant family, and afterwards proved the means of accomplishing additional security for its future aggrandizement. The good fortune of the campaign, owing to the masterly conduct of the duke of Marlborough, corroborated every argument in behalf of that party, which he now avowedly patronised<sup>25</sup>. The electress and her son professed the most grateful sense of the services of the Whigs; and, as those transient misunderstandings, which occasionally interrupt the purest friendships, contribute, after a reconciliation, to increase the fervour of future affection, so from this period the Whigs recovered the exclusive

<sup>22</sup> Lord Halifax carried with him letters from the principal members of administration to the electress and her son; all of which concurred in assigning the most insidious designs to the Tories, and asserting their own invariable and tried attachment to the protestant interest. Hanoverian Papers, 1706. Macpherson.

<sup>23</sup> The electress at first considered the regency act, &c. merely as a matter of compliment; and intimated to the court of England, that it would be more agreeable to her, that the acts should be transmitted to Hanover without any ceremony; and that the garter

should be sent to her son by a herald. Letter of the Duke of Marlborough to the Elector, March 26th, 1706. Hanoverian Papers. Macpherson.

<sup>24</sup> The duke of Marlborough co-operated with lord Halifax to persuade the States to become guarantees for the protestant succession. Letters of Lord Halifax to Mr. Harley. Appendix, Nos VII. and VIII.

<sup>25</sup> The news of the victory obtained by the duke of Marlborough over the French at Ramillies, arrived at the court of Hanover while lord Halifax was there.

CHAP. VI. 1706. confidence of the house of Hanover; and lord Halifax returned to England with the satisfaction, not only of having been the instrument of making peace for his friends, but of having, by the steps he had taken with the Dutch ministers, interested their constituents in the defence and confirmation of the protestant settlement, a point about which he was more seriously solicitous than many of his political friends, who maintained the same external profession of zeal<sup>36</sup>.

<sup>35</sup> Appendix, Nos VI. VII. VIII. IX.

## CHAP. VII.

*State of the Belligerent Powers at the Opening of the Campaign 1706.—Motions of the Confederate Troops under the Duke of Marlborough.—Battle of Ramillies.—Brabant and the Spanish Netherlands submit to King Charles.—Campaign in Italy.—Battle of Calcinato.—Siege of Turin.—Motions of Prince Eugene.—Battle of Turin.—of Castiglione.—Campaign in Spain and Portugal.—Barcelona invested by the French and Spaniards.—King Philip flies to Perpignan.—King Charles marches to Saragossa.—Progress of the Earl of Galway and the Marquis de Minas.—They advance to Madrid, which submits to King Charles.—His unaccountable Delay in advancing to Madrid.—King Philip returns there,—the Earl of Galway retreats.—Villars forces the Germans to pass the Rhine,—raises the Siege of Fort Louis,—gets Possession of all the Posts of the Enemy from the River Mote to Spirebach.—Success of Sir John Leake in the Mediterranean.—Losses of the English in the West Indies.—Victories and increasing Reputation of the King of Sweden.*

CHAP. VII. 1706. NOTWITHSTANDING the prodigious loss which the French had sustained by their defeat at Blenheim, yet, in the following season, as we have already seen, the war was carried on, nearly, with equal success by both parties. The advantages obtained by the French in Italy may, perhaps, be estimated as equivalent to those of the

the allies in Spain. In the Upper Rhine, the uncontrolled progress of marshal Villars, after the departure of the duke of Marlborough to the Netherlands, was not repaired by the victory of the prince of Baden at Haguenau. The successful exertions of the army, under the duke of Marlborough in the Netherlands, were checked by the timidity of the Dutch, and amounted to little more than balancing the effects of marshal Villars' activity at the beginning of the campaign.

Recent events during the interval of action revived the hopes of the French king, and discouraged those sanguine expectations which the allies erected upon the success which they had already obtained. The armies of France were recruited with astonishing celerity; the promotions and honours, which the French king conferred upon the commanders, excited a spirit of emulation and enterprise among the subaltern officers, and produced great energy in the season of action. The magazines, in every district under the authority of France, were formed with skilful arrangement, and amply furnished with all the stores necessary for the ensuing campaign<sup>1</sup>.

The principal powers of the alliance not only found great difficulty in replacing the loss of men; but were likely to sustain an irreparable deficiency by some of the mercenary troops withdrawing themselves from their service. Notwithstanding the late interposition of the duke of Marlborough with the king of Prussia, suspicions were still entertained of that prince having an intention to abandon the confederacy; and the Danes, under the duke of Wirtemberg, after they had, in vain, solicited payment of the arrears due to them by the States, formed the resolution of returning to their own country<sup>2</sup>. The inconveniences and discouragements, which the

<sup>1</sup> Quincy, tom. v. p. 2, &c.

<sup>2</sup> A competition was at this time depending between prince Charles of Denmark, the king's brother, and the duke of Holstein Gottorp, about the succession to the bishopric of Lubeck. The king of Sweden, and the

elector of Hanover, supported the latter, who had taken possession of the bishopric. The king of Denmark, incensed against the elector, was preparing for the field in defence of his brother; but the queen of England, and the States, prevailed upon him to wait for the decision.

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the allies had hitherto encountered from the slowness and torpor of the court of Vienna, were aggravated by the indolence and dissipation of Joseph, who did not feel that personal resentment against Lewis, nor that anxiety for the aggrandizement of his brother, which occasionally stimulated the efforts of the late emperor. The pride and indolence of king Charles, whose authority had been lately acknowledged by some of the Spanish provinces, rendered him incapable of improving his good fortune with sagacity and dispatch, necessary to ensure its stability<sup>1</sup>.

The most sincere friends of the confederacy were filled with uneasy apprehensions, lest the incessant intrigues and artifices of Lewis should prevail in disjoining it by the alienation of some of its members. The duke of Savoy, however, resisted the most alluring offers for separating from the emperor, with a steadiness which could hardly have been expected, considering his domestic connexions, and the provocations he had met with. The king of Portugal himself remained true to the allies; but some of his courtiers were secretly debauched to the French interest, and, though they durst not openly contradict the will of their sovereign, yet they might find many opportunities of retarding and thwarting those plans, which he authorized for promoting the general interest of the confederacy. The declining state of the king's health, which obliged him to devolve the weight of business upon his ministers, increased the number of Philip's secret friends, and gave a more ample scope to their intrigues and exertions<sup>2</sup>.

On the other hand, it was fortunate for the allies, that the probable grounds of future success were over-rated by Lewis, and betrayed him into those rash and precipitate measures, which rendered

decision of the Aulic council. Barré, tom. x. p. 478. The aspect of this affair encouraged the French court to hope that the grand alliance would be weakened by internal discord.

<sup>1</sup> Histoire de Louis, tom. vi. passim.

<sup>2</sup> Annals, Anne, 1705, p. 163. In consequence of the indisposition of Don Pedro, pre-

sent king of Portugal, his sister the queen dowager of England, widow of Charles II. had been appointed regent; and acquitted herself with great fidelity and attachment to the allies. She died on the 31st December, 1705.

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the events of the campaign 1706 the most disastrous and disgraceful he had ever experienced. The most brilliant victories of the allies, in the preceding campaigns, had been obtained in instances where they had begun the attack, and while the enemy had remained upon the defensive; and sometimes even when the latter had a superior army, and the advantage of ground. From attention to this fact, as well as other circumstances favourable to their hopes, it was determined in the French cabinet, that their chief commanders should be instructed to act, in future, with greater boldness; and to try the success of active hostilities<sup>3</sup>. The intelligence of the Danish auxiliaries having withdrawn from the allied army still farther confirmed this resolution of the French court; and a messenger was dispatched to marshal Villeroy, with positive orders to lose no time in advancing from his lines, and opening the campaign with a general action, while the confederate army was weakened and dispirited by the desertion of such a considerable body of their associates. The genius of the duke of Marlborough was not more distinguished, either by the masterly dispositions he made upon the approach of an engagement, or the coolness and sagacity with which he issued his orders in the heat of action, than it was, by readiness in the contrivance of stratagems, and penetration in discovering and improving every incident, tending to deceive and confound his antagonists. The report of the defection of the Danes, the duke did not refute, while he was employing the most anxious expostulations to pacify and reconcile them; and at length prevailed, by pledging the credit of England for the security of their arrears<sup>4</sup>. In order to conceal his success, the knowledge of which might perhaps have stopped the progress of Villeroy, who had come out of his

<sup>3</sup> Quincy, tom. v. p. 2. St. Simon, tom. vii. p. 327—9.

<sup>4</sup> Histoire de Louis, tom. vi. p. 79, 80. Cunningham, vol. ii. p. 16. Salmon, vol. xxv. p. 298. Lewis had been intriguing with the king of Denmark during the winter, to prevail upon him to withdraw his troops till the

Dutch paid the arrears due to them; and, at the same time, he was secretly using endeavours to prevent the Dutch from satisfying their demands. Cunningham, vol. i. p. 463. If this was really the case, his disappointment probably arose from the address of the duke of Marlborough in counterplotting.

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lines and crossed the Dyle, the duke, when he marched with the confederate army from Borchloen, left the Danes behind him, with instructions to follow, after a short time, and approach so near to the main army, as to be ready to join it upon the eve of an engagement<sup>7</sup>.

The adverse armies, alike disposed to try the fortune of a pitched battle, moved nearer and nearer to each other, till they met in the neighbourhood of the village of Ramillies<sup>8</sup>.

The enemy had the Mehain, and the village of Tavieres on their right; and, at a little distance in their front, the village of Franquemies. In these villages, four battalions and a few squadrons were posted, and between the villages, two lines of foot were drawn up, interspersed with dragoons. Foreseeing that the principal battle would be fought on the plain ground between Franquemies and Ramillies, which lay to the right, twenty battalions were posted there with a few pieces of cannon. The ground upon the left, which was contiguous to the Geet, being swampy, and almost impassable, no more than a single line of infantry was placed behind it<sup>9</sup>.

This disposition of the enemy suggested to the duke of Marlborough, a manœuvre, upon which the success of the day principally hinged. He ordered his right wing to march towards the left of the enemy, which was thinly manned, as if he really meant to begin the attack in that quarter, notwithstanding the disadvantage of the ground. The marshal Villeroy, deceived by this appearance, detached a great body of his best troops from the plain, to sustain the left wing; which occasioned a sudden derangement in the

<sup>7</sup> Lediard, vol. i. p. 353.

<sup>8</sup> In the district of Louvaine, on the borders of the province of Namur, situated at the source of the Geet, at the distance of more than a mile from the Meuse; and in this interval of plain ground the battle was fought. Lediard, vol. i. p. 356.

The army of the allies consisted of a hundred and seventeen squadrons and eighty battalions. Kane, p. 64. Quincy says, that the army of the two kings was greatly inferior to that of the allies. Tom. v. p. 5.

<sup>9</sup> Kane, p. 64.

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centre. The duke of Marlborough, expecting this to happen, had given orders to his troops, on the right, to fall back gently, without changing their front, and then to advance suddenly towards his centre, which charged the enemy on the plain, with the greatest vigour, while monsieur Auverquerque began the battle on the left with the Dutch infantry. Four brigades of foot were ordered to make an attack, at the same time, upon the village of Ramillies<sup>10</sup>.

In the meanwhile, the duke of Wirtemberg, agreeably to the instructions he had received, came forward with the Danish cavalry, and attacked the flank of the enemy, near the village of Franquemies, with such ardour, that he pushed them upon the troops in the centre, which increased their confusion, and occasioned their giving way in all directions. The elector of Bavaria made every effort to rally them, and renew the engagement; but, in their present trepidation and perplexity, this only contributed to multiply the number of the slain. The eight battalions, which had been placed in the village of Ramillies, in attempting to retreat towards the left wing, were opposed, before they had time to draw up, by the cavalry of the allies, and the greatest part of them put to the sword. Monsieur Auverquerque, having also routed the right wing of the enemy, the victory was complete<sup>11</sup>.

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<sup>10</sup> Kane, p. 64. Lediard, vol. i. p. 356.

<sup>11</sup> The accounts given by the different historians with respect to the dispositions of the two armies are so inconsistent, that it is not easy to form a decided opinion upon the subject. I have preferred the authority of Kane, because Quincy agrees with him so far, as to admit that the success of the confederates was greatly owing to the feint made by the duke in attacking the left wing of the enemy, with the purpose of drawing some of their best troops from the right. Quincy, tom. v. p. 6. Cunningham seems to lay great stress upon the stratagem of bringing up the Danes unexpectedly to the left wing of the confederates; vol. ii. p. 18. Fougiers imputes the loss of the battle to the obstinacy of Villeroy in ad-

hering to his first disposition, and not adjusting it to the plan of attack obviously intended by the confederates, vol. ii. p. 169. This seems to contradict the account, which ascribes his defeat to the confusion, occasioned by moving part of his troops from the centre to the left wing, where he suspected that the duke of Marlborough intended to begin the attack. All agree in this, that the duke of Marlborough gradually strengthened his left wing, opposed to the centre and right of the enemy; and that this was done with such address and alertness as to elude the observation of his antagonist.

The French and Bavarians lost eight thousand men in the field; six thousand were made prisoners; and some thousands deserted to the allies.



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The elector of Bavaria, and the marshal Villeroy, with their shattered army, continued their flight with the utmost precipitation, till they reached Louvain; from whence, after a short consultation, they retreated, and entrenched themselves behind the Dyle. The activity and prudence, with which the duke of Marlborough improved this victory, were no less admired than his conduct in the scene of action. The rapidity with which he pursued the vanquished enemy prevented their forming again in such force, as to obstruct his progress; while his moderation and humanity procured him the esteem, as well as the submission of all the towns in the Netherlands, which had been overrun with the French troops. The prisoners were sent into the interior parts of Holland; and supplied with every comfort their situation required; and the sick and wounded lodged in hospitals, and attended with as much care and tenderness, as those of the allies. A proclamation was issued, recommending all the inhabitants of the Spanish Netherlands, without distinction, to the protection of the confederate army, as the subjects of king Charles, their common friend and ally; and the severest penalties were announced to deter the soldiers from plunder and violence<sup>12</sup>.

A letter, in name of the duke of Marlborough and the field deputies, was addressed to the States of Brabant, inviting them to embrace the present opportunity of acknowledging king Charles, and

allies. The loss of the latter did not exceed three thousand. The duke of Marlborough made several narrow escapes in the course of this engagement. He fell from his horse, and was in danger of being trampled down by some of his own men, who were repulsed by the enemy. Captain Moleworth with difficulty remounted him, and turned his horse's head to the line of the allies. He had not left the ground three minutes when a detachment of the enemy arrived in pursuit of him. *Biographia Britannica*. Moleworth.

<sup>12</sup> The humanity which the duke of Marlborough exercised towards the unhappy per-

sons, who fell under his power by the fate of war, reflects the highest honour upon his character. His conduct in this respect is the more praise-worthy, because it was unusual at that period; and, to his example, posterity is indebted for the introduction of a more refined tenderness in the intercourse of hostile armies, which has greatly alleviated the unavoidable calamities of war.

Marlebouroug, bien different du prince Eugene, eut toujours la plus grande egarde pour ses prisonniers, et donna l'exemple de procedés d'humanité qui ont régné depuis dans les guerres. Duclos, vol. i. p. 9.

assuring

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assuring them, upon the authority of the queen, and the States of Holland, that he would maintain their religion and privileges inviolate. These soothing measures, together with the celerity of the duke's motions, rendered the effects of the late victory more extensively beneficial to the allies, than any former instance of success. The submission of Brabant, and almost the whole Spanish Netherlands, was accomplished within fifteen days after the battle of Ramillies. Mechlin, Louvain, Brussels, Alost, Ghent, Oudenarde, and Antwerp, surrendered without resistance; and the assembly of Flanders, convened at Ghent, recognised king Charles as their lawful sovereign. Ostend, Menin, Dendermond, and Aeth, were reduced by force, and at a considerable expence of men<sup>13</sup>.

The distinguished reputation, and the success of the duke of Vendosme, made the French king resort to him, as the last hope for retrieving his ruined affairs<sup>14</sup>. He was recalled from Italy, and appointed to the principal command of the army in the Netherlands, reinforced with the best disciplined troops, amounting to one hundred and fifty-five squadrons, and seventy-three battalions; but, though Vendosme seldom erred from excess of caution, he found it expedient to remain inactive in his camp behind the Dyle, not even attempting to interrupt the confederates in carrying on the siege of Menin, which capitulated on the 20th of August<sup>15</sup>. The duke of Marlborough closed this memorable campaign, by demolishing all the old lines, which had been the barrier to France since their conquests in the Netherlands<sup>16</sup>.

In Italy, every prospect was flattering to France at the beginning of this campaign. The castle of Nice surrendered to the duke of

<sup>13</sup> St. Simon, tom. vii. p. 337. Lediard, vol. i. p. 382. 407. 413.

<sup>14</sup> The duke of Vendosme, grandson of Henry IV. was bold, intrepid, and of a quick apprehension; but effeminate, and addicted to pleasure; and did not concert his measures with deliberation and depth. His affability, condescension, and benevolence, gained the

hearts of the common soldiers, who would have laid down their lives for his honour. Age of Lewis XIV. vol. ii. p. 280. St. Simon, tom. ii. p. 254. See the patent of the duke of Vendosme, *Annals, Anne, 1706*, p. 165.

<sup>15</sup> Lediard, vol. i. p. 415—18.

<sup>16</sup> Kane, p. 70.

CHAP. VII. 1706. Berwick on the 14th January. The Imperial army, quartered in Lombardy, was weakened by the desertion of some thousand Bavarian soldiers, who retaining their affection for the elector, had found opportunity to return to his service<sup>17</sup>.

Although prince Eugene had been successful beyond his expectations, in raising funds for recruiting the Imperial army in Italy, and providing every necessary for the campaign<sup>18</sup>; yet his long detention from the field, occasioned by the exertions necessary for these ends, afforded the duke of Vendosme an opportunity of attacking the Germans with great advantage at Calcinato, where, after an obstinate engagement, he obtained a complete victory. The Imperialists lost three thousand men in the field, and as many were made prisoners; several pieces of cannon, and all their baggage were taken<sup>19</sup>. This defeat, followed by the dispersion of the Imperial army, and the siege of Turin, begun with such ample preparations as seemed to ensure its success, deprived the duke of Savoy of every hope of restoring his affairs, or even of retaining a single post in Italy at the end of the campaign<sup>20</sup>. Taking it for granted, that Turin would be under the necessity of surrendering, he left the city, and was pursued for several weeks by the duke de la Feuillade, who, being unable to overtake him, returned to the siege, which, from that time, was carried on with uninterrupted vigour. Prince Eugene was informed of the defeat of the allies at Calcinato, when he had advanced as far as Roveredo, with a reinforcement of ten thousand

<sup>17</sup> Barré, tom. x. p. 496. The Bavarians were treated with merciless severity by the emperor after the battle of Blenheim; and it was not to be expected, that they would miss any opportunity of deserting from his service.

<sup>18</sup> Prince Eugene borrowed a large sum of money, in the name of the emperor, from England. A subscription was opened for this purpose at London; and the queen granted letters patent, stating the importance of it; and appointing certain persons for receiving the contributions. Barré, tom. x. p. 496. An-

nals, Anne, 1706, p. 125.

<sup>19</sup> Barré, tom. x. p. 496.

<sup>20</sup> The army, under the duke de la Feuillade, consisted of sixty-eight battalions, and eighty-eight squadrons, two hundred and fifty officers of artillery, eight hundred gunners, two hundred and fifty bombardiers and miners, and four thousand pioneers, Ammunition, instruments, and stores, of every kind, for carrying on the siege, were provided in the same vast proportion. Tindal, vol. vii. p. 50, 1.

cruits

CHAP. VII. 1706. cruits from Germany. He collected the reverſion of the vanquiſhed army, and all the troops that could be ſpared from the garrisons in Breſciano and Trentino, and poſted himſelf at Gavardo<sup>21</sup>. Here he formed the arduous deſign of advancing to the relief of Turin. He was at a great diſtance from that city: the fords of the Adige, the Mincio, and the Oglio, were guarded; and all the ſtrong poſts in the country, through which his march lay, occupied by the enemy. But, ſuppoſing it poſſible for him to effect a junction with the duke of Savoy, there ſeemed little probability that Turin could hold out till that event, or, if it did, the vaſt ſuperiority of the French army ſtill checked every hope of ſucceſs, ſhould he have the temerity to engage it. All theſe difficulties were ſurmounted. Prince Eugene moved with his troops from the Venetian Alps; and, after a march of two hundred miles, which he performed in twenty-four days, he arrived in the duke of Savoy's country. Difficulties, more formidable than diſtance, were encountered in the courſe of this march: he croſſed four great rivers; he pierced through the lines which the duke of Vendosme had drawn from the mountains to the ſea; he drove ſuperior numbers of the enemy before him with precipitation. The fatigues of long marches were aggravated by hunger, and the extremity of heat. He prevailed in many ſkirmiſhes againſt the enemy, and, at length, gained ſeveral days march upon the duke of Orleans, who had advanced from his camp at Turin to intercept him. On the 1ſt September, he joined the duke of Savoy; on the 7th, attacked the duke of Orleans, and the marſhal de Marcin, in their entrenchments, and gained a ſignal victory<sup>22</sup>.

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<sup>21</sup> Barré, tom. x. p. 498.

<sup>22</sup> Lettres Hiſtoriques, May, October. Barré, tom. x. p. 499. Duclos ſays, that the defeat of the French at Turin was owing, entirely, to the bad conduct of the duke de la Feuillade. The duke of Orleans adviſed him to march out of the trenches, to attack prince Eugene, but Feuillade perſiſted in his reſolution of receiving the attack; and

Marcin, though of the ſame opinion with Orleans, durſt not contradict Feuillade, becauſe he was the ſon-in-law of Chamillart, who, at that time, had the entire confidence of the king. Duclos, tom. i. p. 5, 6. Quincy, tom. v. p. 161. Political Annals, London, vol. ii. p. 45, 6. Marcin died of his wounds. Three thouſand French were killed in the field, two thouſand deſerted after the battle,

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Two days after the battle of Turin, the allies experienced their share of bad fortune, in losing the battle of Castiglione. The Landgrave of Hesse had begun the siege of that fort, and confiding in the superiority of his army, marched out to meet the count de Medavid, who approached to relieve it. But, though his cavalry fought with advantage at the beginning of the engagement, his infantry shrunk from the impetuosity of the French troops; and, after having lost two thousand men in the field, besides fifteen hundred taken prisoners, with all his artillery and standards, he was forced to retire to the Adige<sup>22</sup>. If this engagement had happened sooner, it certainly would either have prevented the battle of Turin, or given a different turn to its success. All the effect, however, it produced, was to retard, for a short time, the progress of the duke of Savoy and prince Eugene, who reduced all the places possessed by the enemy in Piedmont, Montferrat, and the Milanese<sup>24</sup>.

The campaign, in Spain and Portugal, forms a perfect contrast to that in Italy; and as the latter exhibits the wonderful effects of fortitude and perseverance in repairing the greatest disasters, so the former affords an example of the baneful tendency of security and indolence, in traversing the most prosperous fortune, and blasting the fairest hopes.

The French king, upon hearing of the progress of the allies in Spain, sent great reinforcements, and a sufficient quantity of all kind of stores from Provence, for opening the campaign with the siege of Barcelona<sup>25</sup>. After the arrival of the French fleet from Toulon, the marshal de Theffé began the siege on the 2d of April, and was soon after joined by king Philip. The presence of king Charles in the town overawed the inhabitants, who wished to surrender, and animated the garrison to defend it with perseverance and success, beyond

five thousand were made prisoners, three St. Simon, tom. vii. p. 295—7.

thousand were killed by the peasants in the mountains. Lettres Historiques, Oct. 1706.

<sup>22</sup> Histoire de Louis, tom. vi. p. 123. St. Simon, tom. vii. p. 228.

<sup>24</sup> Idem.

<sup>25</sup> Lives of the Admirals, vol. iii. p. 99.

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what could have been expected from their number; for they were only three thousand. The earl of Peterborough, returning from Valencia, threw a body of fresh troops into the city; and retarded the progress of the besiegers, by harassing their skirts and outposts with his little army. Montjuic was taken; a breach was made in the walls of the town; and the enemy were just preparing to storm it, when sir John Leake arrived with the confederate fleet from Lisbon<sup>26</sup>. The French admiral, upon intimation of his approach, cut his cables, and sailed for Toulon.

8th May.

The alarm which struck the besiegers upon the arrival of the English fleet, and the sudden desertion of their own, was wrought up into a dreadful panic by an eclipse of the sun, from which their superstitious prejudices led them to conclude, that the countenance of Heaven was frowning upon their design<sup>27</sup>. They marched off in great haste, leaving behind them an immense quantity of baggage, and all their sick and wounded, whom they earnestly recommended to the mercy of their enemies. King Philip continued his flight till he arrived within the French territory at Perpignan<sup>28</sup>.

12th.

All the counsellors of king Charles were now agreed, with respect to the expediency of his marching to the capital, where there could be no doubt of his being proclaimed king. Different opinions however were suggested concerning the scheme of his march, or the road he ought to pursue; some recommending the nearest and most expeditious, and others that which was safest, though it might postpone the time of his arrival at Madrid. This distraction of counsels, the unsteadiness of Charles himself, and the animosities excited among his friends, were the ruin of all his measures, and undid all the success he had already obtained. In compliance with the advice of the earl

<sup>26</sup> Conduct of the Earl of Peterborough, lona, alluding to the pride of the French monarch, who had assumed the sun as his device. Tindal, vol. vii. p. 33. King Charles commemorated this signal deliverance, by an anniversary thanksgiving.

<sup>27</sup> In allusion to this incident, the reverse of the medal struck by order of the queen upon this occasion, represented the sun in eclipse over the city and harbour of Barcelona, alluding to the pride of the French monarch, who had assumed the sun as his device. Tindal, vol. vii. p. 33. King Charles commemorated this signal deliverance, by an anniversary thanksgiving.

<sup>28</sup> St. Simon, tom. vii. p. 233. Cunningham, vol. ii. p. 3, 4.

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of Peterborough, king Charles, after long hesitation, determined to pursue his journey to the metropolis, through the province of Valencia; and he had advanced with his army as far as Tarragona, when, hearing of the favourable disposition of the people of Arragon, he suddenly changed his purpose, and marched to Saragossa, the capital of that province<sup>29</sup>.

While the siege of Barcelona was carried on by the French and Spaniards, the confederate army, under the earl of Galway and the marquis de Minas, had advanced from Portugal to Estramadura; and were investing Alcantara. The duke of Berwick, who commanded the French army on the frontiers of Spain, was not in force to oppose them; and, the court being under great apprehensions, he had received orders not to remove too far from Madrid<sup>30</sup>. Alcantara, surrendering after a short siege, Muralcia and Coria also submitted to the confederates. After this success, they crossed the Tagus, and advanced to Placentia<sup>31</sup>. The earl of Galway, flattered with the prospect of entering Madrid without any obstruction, published a manifesto, in name of the queen, inviting the Spaniards to acknowledge king Charles; and promising to protect them against his enemies. The sanguine hopes, which the earl derived from his past success, were now damped by the timidity and backwardness of the Portuguese troops, who, being yet ignorant of the French having abandoned the siege of Barcelona, refused to march to Madrid, under the pretext of its being their primary duty to defend their own frontiers. Agreeably to this resolution, they marched to Ciudad Rodrigo, which they invested. Though weakly fortified, it held out for several days, and surrendered upon honourable terms<sup>32</sup>. Hearing then of the success of the confederates at Barcelona, the Portuguese army was persuaded to rejoin the earl of Galway, and to move towards

<sup>29</sup> Conduct of the Earl of Peterborough, p. 59—75, &c. Carleton, 157. This ill-judged resolution of Charles, was imputed to the advice of the Conde de Cifuentes. Con-

duct of the Earl of Peterborough, p. 95.

<sup>30</sup> Berwick, vol. i. p. 282.

<sup>31</sup> Id. p. 288.

<sup>32</sup> Id. p. 292.

Madrid,

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Madrid, where king Charles was expected. The duke of Berwick retreated as the confederates advanced, and, without any resistance from the inhabitants of the country, who despaired of king Philip's being able to recover his power, they proceeded to Madrid, which submitted to king Charles<sup>33</sup>. 24th June.

King Philip, after retiring to Perpignan, had formed the design of marching round about by the way of Navarre to Madrid, to prevent, by his presence, the revolt of the capital; but the duke of Berwick, finding it necessary to retreat into the interior parts of the country, Philip withdrew again to the confines of France<sup>34</sup>. 21st

Every thing now assumed the most favourable aspect for king Charles. The French and Spanish army was not only inferior to that of the confederates, but in want of money and provisions<sup>35</sup>; Toledo declared for him; and it was expected that the whole province of Castile would quickly follow its example. The cardinal Portacarrero, who had been the most zealous instrument of supporting king Philip's authority<sup>36</sup>, now submitted to king Charles, and professed to devote himself faithfully to his service in future<sup>37</sup>: all the courts began to administer justice in his name; and nothing seemed wanting to secure his authority against all reverse of fortune, but his personal presence, and taking the reins of government into his own hands. The earl of Galway sent repeated expresses to king Charles, representing the importance of his hastening to the capital. He was regardless of expostulations and entreaties, and blind to his own interest: he remained at Saragossa immovable, as if he had been chained there by the supernatural power of enchantment. His conduct appeared so infatuated, and so repugnant to every sentiment of honour, as well as to the dictates of prudence, that it easily procured credit to a report of his having died suddenly in that place<sup>38</sup>. Exasperated by his

<sup>33</sup> Berwick, vol. i. p. 298.

<sup>34</sup> Histoire de Louis, tom. vi. p. 98. Salmon, vol. xxv. p. 323.

<sup>35</sup> Berwick, vol. i. p. 304.

<sup>36</sup> St. Simon, tom. vii. p. 239.

<sup>37</sup> Letter of the Cardinal to the Marquis de Minas. Monthly Mercury, August.

<sup>38</sup> Histoire de Louis, tom. vi. p. 98. Wittenesses



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his folly, his friends soon became indifferent to his success; the hopes and courage of his enemies revived. His indolence and sloth were rendered more glaring and ignominious by the activity and expedition of Philip, who collecting quickly a great body of troops on the frontiers of France, returned to Madrid on the very day fixed for the triumphant entry of his rival<sup>39</sup>.

The earl of Galway, deeming it too great a hazard to come to an engagement with an army far superior to his own, which was now dispirited and provoked by the infatuation and ingratitude of its ally, retreated towards Arragon as soon as he heard of the approach of Philip. Toledo, Salamanca, and most of the towns which had submitted to Charles, renewed their allegiance to the former. The earl of Galway, and the marquis de Minas, joined king Charles at Guadalaxara; and, in a few days after, the earl of Peterborough arrived there with five hundred dragoons; but the crisis of their prosperity had been sported away, and was now irrevocable. Their communication with Portugal was cut off; Alcantara was retaken: all that remained for them to do, was to arrange their posts, and

nesses were not wanting to swear that they had seen him embalmed and interred. Lambert, tom. xiv. p. 258.

Although king Charles was brave and active, when pushed to extremity, yet he was naturally of an indolent temper; he saw distant dangers in a magnified form, and was easily turned from his purpose by the occurrence of unexpected difficulties. Indolent men generally follow the advice of others. The Spanish grandees, of a proud and independent spirit, could not bear the idea of having their king placed upon the throne by the agency of foreigners. The brilliant exploits of the earl of Peterborough, they beheld with an envious eye; and opposed his counsels, because, if the king had succeeded by them, the earl would have arrogated the sole merit of accomplishing the principal object of the war. Cunningham, vol. ii. p. 5. 12. 14.

The pride of Charles operated to the injury of his interest, in a way still more puerile and contemptible. His finances were straitened; and he chose rather to forego the fruits of his past success, and to put all to hazard, than enter his capital, without that extravagant pageantry, which, as he thought, became the inauguration of so great a prince. Idem.

As the conduct of Charles was so singularly imprudent and absurd, the ingenuity of historians was put to the stretch to account for it; and, among other causes, it is not surprising, that the power of gallantry, which has so often quenched heroic ardour, was called in upon this occasion, and the wavering, contradictory, procrastinating purposes of the victorious prince, were ascribed to the violence of his affection to a lady at Barcelona. Tindal, vol. vii. p. 37.

<sup>39</sup> Berwick, vol. ii. p. 319.

establish

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establish their quarters on such a plan as to secure Arragon and Catalonia; to maintain an open and safe approach to Castile, and a communication with the sea coasts<sup>40</sup>.

The Upper Rhine was the only quarter in which the French arms were successful during the campaign 1706. After the duke of Marlborough's departure to the Netherlands, the marshals Villars and Marcin advanced towards the German army at Drusenheim, under the command of the prince of Baden and the count de Frise, who, afraid of being attacked by superior force, fled with such precipitation, that all their tents, and a great quantity of their baggage and military stores, fell into the hands of the French. The Germans flying over the Rhine by the bridge of Statmatt, which they broke down, Fort Louis was relieved from the blockade which it had so long sustained. They did not even attempt to make a stand at Lauterburg, though, by the late fortifications, it was stronger than it had been in the preceding campaign, when it so bravely resisted the assaults of the enemy; and such was the dismay and consternation of the garrison, that it left the magazines there entire for the use of the conquerors. The French followed up their success with the most expeditious movements, and expelled the Germans from Germersheim, and from all the posts which they had occupied from the river Mote to Spirebach. Villars closed his success with the siege of Haguenau, which capitulated in six days after the trenches were opened: the garrison being made prisoners of war, and a prodigious quantity of powder, corn, and clothing taken in the place<sup>41</sup>. Thus, within the space of a few weeks, the allies lost all the conquests which they had made on the French side of the Rhine during the campaigns 1704, and 1705, except Landau, from which their communication was entirely cut off. The misfortunes of the French arms, in every other quarter, obliged Villars to send large detachments from his army, which stopped his prosperous career, and confined his attention for

May.

11th May.

<sup>40</sup> Histoire de Louis, tom. vi. p. 99.

<sup>41</sup> Villars, tom. ii. p. 324—7. Barré, tom. x. p. 393.

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CHAP. VII. 1706. some time, to fortifying the places he had already taken. The emperor having also recalled some of the best troops, in the army of prince Louis, to serve against the insurgents in Hungary, Villars began again to act upon the offensive, and drove the Imperialists out of the island and marquisate of Baden, near Fort Louis; and, afterwards passing the Rhine, obliged them to remove from the posts which they had erected for securing the lines of Stolhoffen and Buhl<sup>42</sup>.

10th Sept. After raising the siege of Barcelona, sir John Leake reduced the city of Carthage, and failed to Alicant, which surrendered<sup>43</sup>. The islands of Ivica and Majorca also submitted; the former without resistance, from the attachment of the inhabitants to king Charles; and 18th. the latter, to prevent the dreadful effects of storming the fort, which was threatened by the English admiral. Sir John Leake detached a 17th Oct. part of his fleet to winter at Lisbon, and returned with the rest to England<sup>44</sup>.

At the instigation of some of the French Hugonets, a descent was intended upon the coast of France by the grand fleet, under sir Claudsley Shovel, and a body of troops commanded by the earl of Rivers; but was prevented by contrary winds, and the indolence and delay of the Dutch squadron which was to have joined the English. A part of the fleet, with all the land forces that had been destined for that expedition, were afterwards sent to Lisbon; but arrived too late for rendering any essential service to the confederate army, which, by the misconduct of king Charles, was reduced to a state of defensive war<sup>45</sup>.

The ill success of the fleet in the West Indies was a just subject of grief and complaint to every disinterested patriot. The islands of St. Christopher and Nevis were plundered by a French squadron from

<sup>42</sup> Villars, tom. ii. p. 339—347. Monthly Mercury, July. Villars discovered great ingenuity and masterly generalship, in conducting his operations, so as to deceive the prince of Baden, and to render his designs effectual at a small expence of blood; but the plan of my work does not admit of a circumstantial detail of them. Villars, tom. ii. p. 347, &c.  
<sup>43</sup> Lives of the Admirals, vol. iii. p. 103, 104, 105.  
<sup>44</sup> Id. p. 106, 7.  
<sup>45</sup> Id. p. 109.

CHAP. VII. 1706. St. Domingo; and the greatest part of the Virginia traders were captured by privateers<sup>46</sup>. The ministers endeavoured to refute the charges brought against themselves, by imputing these misfortunes to accidents and disease, which made great havock in the West India fleet, and to the misconduct of commanders, which had given occasion to change them more frequently there, than in any other station. To the discerning inquirer, the plan of operations adopted by the Whig ministers, will appear to have been one cause at least of the miscarriages and disgraces which happened so often to the English fleets in the course of this war. The business of the navy was only a subordinate object of attention: the great stress of expence and preparation was laid upon the support of the continental army; and the exertions of the fleets of England were chiefly directed to the benefit of her allies. Thus, the Mediterranean fleet, destined for the service of king Charles, was better equipped and manned than the West India squadrons, which otherwise might have contributed essentially, not only to the immediate protection of the colonies, but to the future security and extension of the British commerce<sup>47</sup>.

The confederates now found that they had just grounds for remonstrating against so great a proportion of the Imperial resources being wasted by the wanton and culpable continuance of the war in Hungary. Their mediation between the emperor and his revolted subjects was employed in vain, while his mercenary favourites clandestinely obstructed every approach to an accommodation, which would have put an end to the accumulated profits expected by them from the confiscated property of the malecontents<sup>48</sup>.

The increasing reputation, and astonishing success of the king of Sweden, began, at this time, to awaken the jealousy of all the confederates,

<sup>46</sup> Lives of the Admirals, vol. iii. p. 118. delivered to the mediators, as the basis of peace. Some of them were extravagant; but, on the other hand, the answers of the court of Vienna were not in a conciliating spirit. Monthly Mercury, July.  
<sup>47</sup> Id. p. 117. Oldmixon, vol. ii. p. 395.  
<sup>48</sup> Tindal, vol. vii. p. 55. A cessation of hostilities had been agreed to on the 15th April, and the demands of the malecontents

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24th Sept.

derates, and particularly of the emperor Joseph<sup>49</sup>. In the course of this campaign, that enterprising monarch over-ran Saxony, laid the country under contribution, and reduced the elector to the necessity of begging a peace upon any terms the conqueror should be pleased to dictate. The unfortunate elector not only acknowledged the right of his rival, Stanislaus, to the crown of Poland; but resigned all pretensions to the duchy of Lithuania. He was, however, so vain as to stipulate for retaining the empty title of a king, which could only serve to mortify him by the remembrance of the lofty projects from which he had fallen. The great augmentation of power which devolved upon a prince so full of enterprise, and who, by the late treaty with Augustus, had become an inmate of Germany, could not fail to give uneasiness to the court of Vienna; while the assiduous and fawning application of the French king for obtaining his alliance was ominous to the common interest of the confederates<sup>50</sup>.

<sup>49</sup> State of the War. London 1705.<sup>50</sup> Letter from Ratibon. Lamberti, tom. xiii. p. 482.

CHAP. VIII.

*Short Survey of the State of Scotland from the Union of the Crowns, to the Accession of Queen Anne.—Of political Affairs and Parties at that Time.—Discontent occasioned by the Continuation of the Convention Parliament.—Objections to its Authority.—Parties in it.—Embarrassment of the Ministers with respect to Scotland.—Arguments for dissolving the Convention Parliament.—For continuing it.—The Convention Parliament and the Whig Ministers continued.—Session of Parliament.—The Duke of Hamilton protests against it, and withdraws with his Adherents.—The Faculty of Advocates publish an Opinion in favour of the protesting Members.—The Queen's Letter to the States.—Difficulties of Administration.—Acts passed.—A Motion for abjuring the Pretender, ill received.—The Parliament adjourned.—The Commissioners meet to treat about an Union.—Their Proceedings abortive.—Effects of the Proceedings of the Scottish Parliament.—The Court endeavours to conciliate the Cavaliers.—Changes in the Scottish Ministry.—A new Parliament.—The Duke of Queensbury Commissioner.—The Queen's Letter.—Bill for recognising her Majesty's Title, &c.—Carried by the Influence of the Presbyterians and Cavaliers.—The Ministers lose the Confidence of the Revolutionists.—A Supply moved by the Earl of Home—Opposed by the Whigs.—Origin of the Squadrone Volante.—Overture by the Marquis of Tweeddale.—Enthusiasm of the Scots for Independence.—The Marquis of Tweeddale's Overture preferred to the Supplies.—Acts passed.—Act of Security desired by every Party.—Keen Debates, and various Overtures relative to it.—The Subsidy refused.—The Session adjourned.—Alarm occasioned in England by the Proceedings of the Scottish Parliament.*

THE history of Scotland, from the union of the two crowns, exhibits a gradual tendency to national depression, which, at the accession of queen Anne, had reached an extremity almost incapable of any aggravation or redress. Science and literature languished; commerce, manufactures, and population declined; luxury, from the example of a more opulent neighbourhood, advanced with rapid

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steps among the higher ranks. The specie of the country was drained; and poverty, like a gangrene, had overspread the whole body of the people. Those fond speculations of commercial opulence, which had buoyed up the hopes of the Scots, after having been fairly tried, had not only proved abortive and ruinous, but afforded a mortifying evidence to the nation, of its utter incapacity, in its present state of dependence, to prosecute effectual measures for the removal of impending grievances, or the improvement of its future condition. For, though the disasters of the Darien company might primarily arise from the ignorance and presumption of its projectors; yet there could be no doubt of their having been both accelerated and heightened by the unkind interference and over-ruling influence of English counsels'. Was it not demonstrable, from the whole series of transactions relative to that business, that the national sovereignty, of which the Scots so proudly vaunted, was nothing more than an empty phantom, since William had been constrained, by the importunity of the English parliament, to cancel those very measures which had obtained his sanction as king of Scotland? While the political union between the two nations was so loose and defective, it was natural for the court of England to keep a jealous eye upon Scotland, and to suspect, that, if ever she acquired riches and power, they would be employed in schemes dangerous to the constitution of the more prosperous kingdom. The part which the Scots had acted, during the civil war in England, under the reign of Charles the First, afforded an instructive proof of the effects to be dreaded from its interposition in times of public commotion; and the remembrance of this was the occasion of cramping the trade and resources of Scotland, as well as of foreign nations, by the navigation act, after the re-

\* Sir John Clerk, speaking of the Darien business, says, "I always thought it not so much a foolish as a roguish project, &c. But the conduct of England towards Scotland, at that time, served sufficiently as a

"proof, that Scotland, in a separate state, was not to enjoy the least shadow of prosperity, in any part of the world, which interfered with the power, navigation, and trade of England." MSS.

floration

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floration of Charles the Second<sup>2</sup>. By that act, the Scots found themselves precluded from many benefits which they had formerly enjoyed in common with the subjects of the same sovereign; and were cut off from the hope of maintaining, in future, an increasing proportion to the fortune and prosperity of a people with whom they were so intimately connected by political interest and social intercourse.

Together with the decline of trade and manufactures, the reputation and honour of Scotland had faded, in consequence of a real, though disguised subordination to the neighbouring kingdom. Previous to the junction of the crowns, her alliance had been courted by the principal states on the continent, and her interests regarded in the formation of every important treaty there. But now, while her dignity was eclipsed by the superior lustre of the monarchy to which she had become an appendage, she was not so much as named in the course of those foreign transactions, which affected her interest in common with that of England. As if it had been on purpose to notify, to distant courts, the insignificance into which she had sunk, no Scotsman was employed in any embassy, or permitted to be present when the foreign ambassadors were admitted to an audience in the court of London<sup>3</sup>.

The

<sup>2</sup> Considerations on the Union, p. 84, 5. 1706. By the act of navigation, 12th Charles the Second, the freedom of trade, which the Scots had enjoyed under his father and grandfather, was retrenched. Heavy duties were imposed upon goods, imported from Scotland to England; and upon English commodities, essential to the accommodation and improvement of Scotland. Representation of the grievances of Scotland relative to Trade, presented by the Scots Commissioners, 3d February 1668. Enquiry into the Reasonableness of an Union with Scotland, p. 67. London, 1706.

After the union of the crowns, the Scots were permitted to settle in the plantations,

and enjoy the privileges of English natives. From the time of the Darien adventure, they began to be rudely treated; many of them in public offices, justices of the peace, and members of the council, were turned out; and sometimes they were rejected upon juries, &c. The goods and ships of Scotsmen were confiscated in the plantations; and this was sometimes done when the owners of them resided in London. The Case of Scotsmen residing in England and in the English Plantations, p. 4, 5. Edinburgh 1703. Historical Account of the Grievances of Scotland, passim.

<sup>3</sup> Letter to a Friend on the Union. Edinburgh 1705. Letter to a Member of Parliament, concerning the true Interest of Scotland.



The Scots, from the highest antiquity, had been signalized for martial genius and heroic gallantry. Multitudes of the lower rank, and the cadets of the most illustrious families, had been accustomed, for many centuries, to enlist in the armies of foreign princes; and the fame which they acquired for valour in the field, not only gratified the pride of their relations, but redounded to the honour and advantage of their native country. Under the requisition of a sovereign, whose English dominions were the first object of his protection and care, his subjects, in Scotland, found themselves restrained from entering into foreign service, and deprived of the opportunity of earning that appropriate glory which exalted the character of the nation, and compensated for the narrowness of its internal resources. The meritorious services of the Scots in the war with France, during the late reign, had excited a reasonable expectation of their participating, with their fellow subjects in England, in the beneficial fruits of peace. But how grievously were they disappointed, when they found, that the re-establishment of national tranquillity only furnished those schemes upon which the Scottish nation had erected its fondest hopes of independence and prosperity? While the English ministry was making large demands of recruits from Scotland for carrying on a new war on the continent, it roused the indignation of the people, to reflect, that, like the slavish troops of a military despot, they were compelled to spill their blood in a contest in which they had no genuine and permanent interest; and that all the laurels,

land. Id. "Since the time of James the Sixth, till the union, few Scotsmen had been ambassadors in foreign parts, for they were not thought worthy of being entrusted with the general affairs of Great Britain." Sir John Clerk's MSS. on Lockhart, p. 153. "The honour and esteem which Scotland had acquired in all parts of Europe, were sunk; and her name was forgotten among

"those very nations she had preserved from ruin." Sir John Clerk's Journals. It appears, however, that individuals from Scotland, profited by the more intimate connexion between the two kingdoms, after the union of the crowns. Dr. Burnet was made a bishop, Wihart an admiral; and many Scotsmen were employed in England, as surgeons, schoolmasters, book-keepers, &c.

gathered

gathered by their own heroes, were employed in adorning the brows of their rivals and oppressors\*.

Under the influence of these impressions, a spirit of discontent had been spreading among all ranks from the accession of William; and, in the last years of his reign, had arisen to such a pitch, that the utmost vigilance of government was necessary to restrain it from open and tumultuary violence<sup>1</sup>. In this critical situation of the country, the king durst not hazard any change in the legislative body. As the majority of the convention parliament were firm friends to the revolution, and the presbyterian form of religion, and as a considerable proportion of the nation were enemies to both, the former were persuaded, that it was only by supporting his measures, that these objects, which were so dear to them, could be secured; and that a new election could not take place without diminishing their own influence. From this concurrence in political views, the convention parliament was involved in the same censure and odium with the court. It had indeed complied with the voice of the nation, by petitioning for the redress of those grievances which were imputed to the malevolent interposition of the English parliament in the affair of Darien; but this was ascribed, by the people, to fear, more than patriotism; and the majority of that assembly were still considered as the tools of the prince, and as unfriendly to every scheme for promoting the independence of their native country. Hence several of the corporations and counties had petitioned the king to dissolve the convention parliament, and, when their desire was not gratified, objections were

1698.

\* Sir John Clerk's MSS. Reasons why the Succession ought not to be declared. London, 1704.

<sup>1</sup> Accidental calamities had co-operated, with those which have been mentioned, to aggravate the discontent of the Scots. A run of bad crops in the years 1695, 6, 7, 8, 9, had occasioned a famine, and many thousands had perished for want of food, or emigrated from their native country. A dreadful fire, in

the year 1699, had consumed some of the most valuable buildings in the metropolis. The property destroyed amounted to above two hundred thousand pounds. The failure of the bank, in the midst of the greatest scarcity of coin, spread universal embarrassment, and interrupted the few advantages, which the country derived from its limited trade and manufactures.

propagated through the country, tending to disparage its authority, and to excite a distrust of the lawfulness of its proceedings<sup>6</sup>. It had been summoned by the prince of Orange, before he was himself invested with regal power; and, though the public commotions might justify an omission of the customary forms at its convocation, and give a sanction to its authority as far as might be necessary to re-establish the constitution, by supplying that branch of it which had expired, or abdicated; yet it was contended, that its legal functions had been exhausted by that measure; and that a new parliament ought to have been called, with all the wonted forms, after the restoration of the executive branch, in order to render the legislature complete, and adequate to the future purposes of government.

The prolongation of its existence, beyond the period barely necessary for the renewal of the constitution, might however have been tolerated, and all its subsequent measures acquiesced in, for the sake of expediency; but it was asserted, that it had now been extended to such an immoderate duration, as was inconsistent with that very constitution which it had been destined to save; and hence it became chargeable with usurpation, or the exercise of illicit authority, though it had been liable to no objection whatever at its first formation<sup>7</sup>.

The distress of government had, in the later years of William, been increased by that disaffection which began to break out even in the parliament itself. The calamities of Scotland came home to many of its members, and weaned their affection from the court. The unfortunate project of Darien embraced such a wide circle of interest, and abounded with such diffusive mischiefs, that there were few families in the nation that did not feel the shock in some of their branches. The resolutions and addresses of the English parliament, on that subject, exhibited a severity and harshness which no true

<sup>6</sup> It was asserted that king William had violated the claim of right, the condition on which he reigned in Scotland, by his continuing the convention parliament, after the plurality of the corporations had petitioned him to dissolve it. Advantages of the Union, p. 21. Edinburgh, 1706.  
<sup>7</sup> Pamphlets of the Times. Macpherson's History, vol. iii. p. 239.

friend

friend of his country could contemplate with cool indifference. The court patronage in Scotland was extremely circumscribed; and insufficient to satisfy the numerous claims preferred by those who served the government with increased disadvantage, and at a greater risk of reputation, as the measures, which it pursued, became unpopular and exceptionable<sup>8</sup>.

Owing to these several causes, the country party, or that which opposed the court, was advancing every day both in number and respectability. It now consisted of several of the nobility, and a considerable number of the representative body; and, from a partial and occasional opposition, had contracted the habit, and professed the resolution of an obstinate and invariable resistance to the court, so long as the convention parliament subsisted. The grievances of Scotland were the constant theme of their declamation; and, in proportion as these were actually felt, or apprehended by the people, their friends and abettors multiplied, and their hands were daily strengthened by the election of members devoted to the same interest; so that if king William had long survived, he would have found himself under the necessity of dissolving the convention parliament. If such a crisis had occurred previous to the war, it would certainly have been productive of great commotions in Scotland; nor is it likely that the parliament of England, at that time, would have adopted such a generous plan of accommodation as they afterwards carried into execu-

<sup>8</sup> The salaries of all the public offices in Scotland at the disposal of the court, before the union, did not amount to £.20,000 per annum. Advantages of the Union, p. 19.

The salaries of the principal offices were as follows: To the chancellor £.2000 per annum; to the privy seal £.1000; president of the council £.1000; secretary of state £.1000; president of the court of session £.1000; justice general £.800; treasurer deputy £.600; justice clerk £.600; lord register £.500; fourteen lords of session £.500 each; queen's advocate £.500; queen's solicitor £.300; two clerks of council £.500; grants, pensions, and extraordinary expenses £.13,000 per annum. Enquiry into the Reasonableness of the Union, p. 106. This estimate refers to the state of salaries, &c. at the time of the union.

X

tion,

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The discontented and turbulent state of Scotland, at the death of king William, involved the queen's ministry in singular difficulties with respect to the plan of conducting the government there. On the one side, the nation longed for a new representation; and it was even doubtful if the sovereign could lawfully assemble the present parliament, though reasons of policy might render the doing of it expedient and desirable. Most of the persons in power were presbyterians, and by no means, on that account, the more acceptable to the queen and the English cabinet, as new-modelled at her accession. For these reasons, the dissolution of the parliament, and the dismissal of the persons, who then held the reins of government, might naturally have been expected, and was anticipated with general satisfaction by the nation, upon hearing of the death of the king, and of the changes which had taken place in the English ministry. But, on the other side, the unquiet disposition of the people, the violence of individuals, and the notorious, and undisguised attachment of many persons of high rank to the court of St. Germain's, rendered any sudden change of the political measures and executive government extremely hazardous. Among the various competitors for power, it was not easy for the sovereign to make any selection or arrangement, without giving disgust to some, and exciting the hostility of parties, who, while amused by the prospect of attaining a superiority over their rivals, were likely to pursue that line of conduct which they believed to be most acceptable to the court. The Tories of England were anxious to preclude every suspicion of their

\* The queen consulted the Scottish privy council, with respect to the lawfulness of calling the convention parliament after the lapse of twenty days; but suggested to them, at the same time, that the act 1696 had provided, that nothing contained in it should be understood to alter or restrain the prerogative. Her Majesty's Letter to the Privy Council,

Whitehall, March 8th, 1702. Minutes of the Privy Council, MSS.

This was a sufficient hint for bending the determination of the privy council to the wishes of the court; and the vote being put, if it be not consistent with the act 1696, for the parliament to meet after the lapse of twenty days, it was carried in the affirmative. Idem. being

being unfriendly to the Hanoverian succession, which they hardly could have done, had they precipitately committed any share of the government in Scotland to those men who made no secret of their affection to king James; and who had the imprudence to express their hopes of being better thought of by the queen on that account.<sup>10</sup> The persons, who now filled the official departments in Scotland, possessed qualifications which strongly recommended them to the favour of every successive administration in England, to whatever party it belonged. Some of them had given early proofs of political talents, which had been improved by long experience, and an intimate acquaintance with the forms and practice of business. They had discovered great obsequiousness to the court in the preceding reign, and might be expected to be the more hearty in promoting its measures under the present one, from their being continued in power, contrary to the general expectation; and because retaining their influence would depend entirely upon the merit of future services. They were all of that party which had discovered the greatest antipathy to France, and would therefore do their utmost to forward the supplies for carrying on a war so grateful to their own inclinations. Yielding to the force of these considerations, the English cabinet determined to employ the same ministers who had been entrusted with the management of Scottish affairs by king William; and to uphold the authority of the convention parliament.

The national spirit of discontent, and a marked disapprobation of the conduct of the court, were displayed upon the first opening of the Scottish parliament, after the accession of the queen, on the 9th June 1702. As soon as prayers were said, the duke of Hamilton insisted on being heard; and though entreated by the duke of Queensberry to wait till her majesty's commission was received, he

<sup>10</sup> Advantages of the Union, p. 25. Annals of Anne, 1703, p. 16.

"The earl of Marchmont was lord chancellor; lord Montgomery, lord treasurer; the earl of Melville president of the secret council;

the marquis of Annandale privy seal; the earls of Seafield and Hindford, secretaries of state; the earl of Selkirk lord register; and the inferior offices of state were held by staunch revolutionists.

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persevered in reading a paper, which contained reasons against the meeting of this parliament, and thereupon took instruments; after which, he withdrew with twenty-nine of the members who adhered to his protestation<sup>12</sup>. This patriotic band, as it was called, was followed with shouts of applause to a neighbouring tavern, where the night was spent in mirth and festivity<sup>13</sup>. The faculty of Advocates voluntarily

<sup>12</sup> Records of the Scotch Parliament, MSS. Register Office, Edinburgh.

<sup>13</sup> Lockhart's Memoirs, p. 14—17. London, 1714. As I shall often have occasion to refer to Lockhart's Memoirs in the sequel of the Scottish history, it may be proper to inform the reader of the character of this author, and the security with which I rely upon his testimony. The book was never acknowledged by Mr. Lockhart, and there is a traditional report of its having been surreptitiously published with the intention of hurting his reputation with the court. The supposition of Mr. Lockhart's being the author is corroborated by strong internal arguments. Mr. Lockhart was a warm friend to the house of Stuart, a zealous opposer of the union, and enraged against all his countrymen, who did not espouse his own political sentiments. The Memoirs, as might be expected from an author of this character, abound with encomiums on his own partisans; and hardly allow any credit for probity and patriotism, to the leaders of the Whigs, and the presbyterians. Mr. Lockhart had excellent access to information, having been himself a member of the Scottish parliament, and admitted into all the consultations of the Cavaliers. He was named by the queen to be one of the commissioners for the treaty of union, upon the recommendation of the earl of Wharton, who was his uncle. His acceptance of this trust does him little honour, as he was an enemy to the scheme of uniting Scotland to England upon any terms whatever; and professes to have accepted of his commission, with the intention of doing all in his power to frustrate the object of it; and of acting as a spy upon his colleagues. Memoirs, p. 187.

With due abatement for the author's political prejudices, the Memoirs may be admitted as an authoritative voucher for many important facts, at the period to which they relate. I am fortunate however in an opportunity of deriving advantages from these Memoirs, never enjoyed by any former historian; and no wise affected by the issue of the question respecting the author.

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voluntarily published an opinion in support of the doctrine maintained by the dissenting members<sup>14</sup>. Such a respectable sanction, added to the popularity of the measure, was productive of effects which were vexatious to the ministers, and threatened to frustrate the principal object they expected to obtain, by holding a session of parliament. Not only persons who were tainted with disaffection, but those who were of a timid or penurious disposition, were now furnished with a strong argument for withholding the taxes, imposed by a legislative body, the authority of which was doubtful, and even condemned by competent judges. The support of the government, and the most pressing exigencies, which could only be removed by the efficiency of the supplies, voted by the fitting members of the states, constrained the officers of the crown to enforce the payment of them by coercive measures, tending to increase that ferment which already pervaded the great body of the people<sup>15</sup>.

After the departure of the protesting members, her majesty's commission to the duke of Queensberry, and her letter to the states, were read. Her majesty promised to maintain the protestant religion, the presbyterian form of government, and the established laws of Scotland. She expressed her hope of their hearty support and aid in the war, begun by her predecessor, on account of the wrongs committed by the French king, of which her subjects in Scotland had testified a becoming resentment in their addresses. She urged the necessity of supplies for preventing the designs of her enemies. She informed them, that, in consequence of the late king's earnest wishes for an

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<sup>15</sup> Tindal, vol. v. p. 93.



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union of the two kingdoms, steps had been taken by the English parliament to pave the way for that desirable event; and that she was empowered to appoint commissioners for beginning the treaty; in accomplishing which she expected their concurrence. She recommended a particular attention to the state of the poor, whose hardships had been aggravated by successive seasons of scarcity<sup>16</sup>.

The business, suggested by the queen's letter, was more fully explained and enforced by the commissioner, and the chancellor<sup>17</sup>. It is worthy of remark, that in these addresses to the states, as well as in the royal letter, a high veneration was professed for the memory of king William, whose name was introduced as giving the most weighty sanction to the scheme of business submitted to their deliberation. This circumstance fully discloses the sentiments and views of the court at this period with respect to the state of parties in Scotland. The late king had found, from experience, that the first friends of the revolution were the only persons on whose fidelity he could depend. Her majesty, under this impression, had been persuaded to retain the convention parliament as the fittest instrument for supporting her authority in Scotland; and her speech was therefore adapted to their political notions, though widely different from those of the party which she now favoured in England. In adherence to the same plan, she afterwards refused to receive an address from the dissenting members, in vindication of their conduct, and pledged herself to maintain the authority of the present parliament against all its opposers<sup>18</sup>.

This unexpected rupture in the parliament, and the general discontent and turbulence of the people, were not the only difficulties which the ministers had now to encounter in conducting the business of Scotland. Subsequent measures, pursued by those members who

<sup>16</sup> Records of the Scotch Parliament,

<sup>17</sup> After reading the royal letter to the states, the commissioner, and the chancellor, used to make harangues on the topics contained

in it, and to enforce a respect to them, by fulsome encomiums on the goodness of the sovereign.

<sup>18</sup> Annals Anne, 1702, p. 65, 6.

had

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had supported the views of the court in the discussion of the preliminary question, relative to the authority of parliament, exhibited a distraction of sentiment, and an independence of spirit, which rendered it impossible for the ministers to rely upon the steadiness of any party, or the successful prosecution of any plan whatever, for restoring vigour to the government in Scotland. A supply was voted of ten months and a half cets upon land<sup>19</sup>. The states were unanimous in passing acts for recognising her majesty's title; establishing the authority of the present parliament, and inflicting the penalty of high treason upon those who should in future disown it; for securing the protestant religion and the presbyterian government<sup>20</sup>, and enabling her majesty to appoint commissioners to treat about an union between the two kingdoms. But when the draught of a bill for abjuring the pretender was presented by the earl of Marchmont, it occasioned open and violent expressions of aversion. Some of the members, who had been strenuous advocates for the authority of the parliament, were the most dissatisfied with this motion, and determined to invite the dissenting members to resume their seats, in order to fortify their resistance against every measure tending to fix the succession of the crown<sup>21</sup>. Its unsettled state be-

19th June.

23d, &c.

<sup>19</sup> The cets, or assessment, was raised upon the estates, and royal boroughs in Scotland, in proportion to their valued rents. This mode of taxation was introduced by Oliver Cromwell, after he had settled the union between the two kingdoms. The cets amounted to six thousand pounds per month; and, according to the exigencies of government, it was increased, not by raising the monthly sum, but by adding to the number of months, which answered the same purpose. Essay for removing Prejudices against the Union, Part ii. p. 18. 1706.

<sup>20</sup> This session discovered a strong zeal for presbytery, which was believed to be in danger from the prejudices of the sovereign, and her present ministers. Sir Alexander Bruce, heir apparent to the earl of Kincardine, was expelled the parliament for speaking disrespectfully of presbytery. Records of the Scotch

Parliament, 11th June. Minutes of the Privy Council, 28th July 1702. The popular odium ran so violently against him, that he was compelled to leave his native country, and received a pension from the queen, which contributed to the suspicion of her enmity to presbytery. Anonymous MSS on the Characters of distinguished Persons of both Kingdoms at the Beginning of the Reign of Queen Anne.

<sup>21</sup> Lockhart, p. 16, 17. Sir J. Clerk's MSS. For a full account of this affair, see a letter of Philiphaugh to Mr. Carstairs, 4th July 1702. Carstairs' State Papers, p. 714. "The presbyterians in parliament, and the very ministers of this place, were divided upon that question." Id. 716. See also a letter of lord Leven to Mr. Carstairs. "I am told the presbyterian party in Scotland are altogether against the succession." Id. 717.

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gan now to be considered, by the generality of the people, as presenting the most favourable opportunity to obtain the redress of their grievances.

Nor did the court, at this time, discover any anxiety about extending the act of settlement to Scotland; for reasons of state, it probably rather wished that the succession there should remain ambiguous and undetermined<sup>22</sup>. As the introduction of business of such magnitude, without the approbation of the queen, was a demonstration how little she could rely upon the party she patronised; for the arguments and motives, urged for rejecting it, indicated a general propensity to perplex the public business, and to encourage that spirit of alienation from England, which was already too prevalent. The commissioner put an end to this session, in order to prevent the discussion of a question, which was likely to be productive of great heats and divisions, and still farther to disparage the authority of parliament; expressing his surprise and regret, at the introduction of a subject of such a delicate nature, without the participation of her majesty's ministers.

June 30th.

During the recess of the Scottish parliament, the commissioners, appointed by her majesty for treating about the union of the two kingdoms, met at the Cock-pit on the 22d October; but on account of the absence of the majority of the Scottish commissioners, whose backwardness was considered as an untoward omen by those who wished well to the project, all proceedings were stopt for the space of a month<sup>23</sup>. After the preliminary articles were adjusted, the business was often interrupted by the want of a quorum of the English commissioners, from which it should seem, that they did not enter heartily into it; or perhaps they had little hope of bringing it to a successful conclusion. The jealousy of the presbyterians was, at the commencement of this transaction, excited in a more than ordinary degree, by the suspected partiality of the queen for the episco-

<sup>22</sup> Lockhart, p. 17. Sir J. Clerk's MSS.

<sup>23</sup> Appendix to Defoe's History of the Union, N° XIV.

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prians; and as the latter hoped, so the former dreaded, that a more intimate connexion with their English neighbours would prove fatal to the present establishment<sup>24</sup>. In this temper of the people of Scotland, for the generality were presbyterians, all attempts to reconcile them to an union with England must have proved fruitless, without previous stipulations for the security of their religion. Nor, supposing this difficulty had been surmounted, would the expectations of the Scots, with respect to trade, have been easily satisfied. Their commissioners plainly hinted, that they would not be pleased with a free communication of the trade of England, without having the rights of the Darien company recognised and established. When this condition was openly insisted upon, every hope of amicable proceeding vanished; and her majesty adjourned the meeting of the commissioners on the 3d of February to the 4th of October 1703<sup>25</sup>.

Although the proceedings of the commissioners did not advance to maturity, yet they certainly contributed to the happy issue of this business when it was afterwards resumed. The great outlines of the treaty were now drawn, and the general principles of it established; and, as the same persons were afterwards appointed commissioners for that purpose, they had, during the interval between these two transactions, directed their thoughts and inquiries to the most proper expedients for removing the difficulties and misunderstandings which impeded their progress at this time.

From various circumstances, which occurred in the course of a few months, a great change took place in the state of parties in Scotland; and induced the English cabinet to adopt new measures in the management of affairs there. The most zealous friends of the revolution were offended by the open indifference, and the sus-

<sup>24</sup> History of Scotland by David Scot, 25th June 1702, two members entered their dissent, because it did not expressly hinder the commissioners from treating about the establishment of prelacy. Record of the union was read in the Scottish parliament, 25th June 1702.

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pected aversion of the court, to the protestant succession<sup>26</sup>; and trembled for the safety of the presbyterian government, both on account of the known attachment of the queen to episcopacy, and the violent spirit displayed by the majority of the house of commons in England against the protestant dissenters. The Scottish Whigs, distrusting the court, began to associate and consult with the country party, which professed to devote itself entirely to the removal of grievances and the establishment of the future independence of the kingdom. After such a coalition of parties, the ministry were convinced, that no advantage could accrue to them from the present parliament; the objections to which grew stronger from its prolongation, and furnished a standing topic for arraigning the conduct of government. Although it was expected, that in a new parliament many members would be adverse to the measures of the court; yet there could not exist, in the representative body recently elected, that concert of plan, which was easily formed by those who had been long known to each other from their official intercourse, or that personal acrimony against ministers, which actuated individuals, disappointed, either in views of ambition, or schemes of patriotism. The cavaliers, valuing themselves upon an affectionate attachment to a princess of the house of Stuart, and a favourer of their own religion, were expected to make every exertion for recovering a share in the representation, when they were freed from those discouragements, which, during the preceding reign, had either prevented their entering into the field of competition, or obstructed their success with the electors. Attending to all these considerations, it was now deemed a matter of expediency, to soothe that party which had been so long depressed, with a view of rendering it

<sup>26</sup> The succession of the prince of Wales was now mentioned as a desirable event, not only by the Jacobites and episcopalians, but by many who had formerly expressed a jealousy for the protestant interest. The latter qualified their wishes for his success, by expressing their hopes of his conversion. The story of his being supposititious was very generally treated with contempt. Clerk's MSS.

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friendly to the court. Strong assurances were conveyed to the cavaliers of her majesty's favourable opinion of them, and of her desire to confide in their fidelity, and artful insinuations were employed to make them believe, that she cherished kind purposes in behalf of her brother<sup>27</sup>. Several of the Whigs were immediately displaced, and cavaliers brought in, and a proclamation was issued, promising an indemnity to all who had committed treason, previous to the month of April 1702<sup>28</sup>. One of the most honourable expedients, for procuring the services of the Jacobites, was a promise of toleration to the episcopalians, which, as it was founded on justice, was also agreeable to her majesty's private wishes<sup>29</sup>. By these measures her majesty strengthened the hands of the anti-revolutionists, and acquired a powerful claim to the gratitude and services of their relations whom she restored from exile, and relieved from the terror of future prosecution.

The new parliament met at Edinburgh on the 6th May 1703. The duke of Queensberry, at this time, less obnoxious to the cavaliers than any of the old ministers, was again appointed commissioner. Her majesty's letter to the States contained a repetition of

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<sup>27</sup> "The earl of Seafield assured all whom he knew to be of loyal principles, that the queen was resolved to trust the government to their management, and to take care of the distressed royal family." Lockhart, p. 25. This assertion is confirmed by Cunningham, who says, "that the queen was suspected of a secret design in favour of the pretender; that she had grown sensible of the crime committed against her father; and was resolved to make amends to her brother." Cunningham, vol. i. p. 326. "The Tories (the Scottish) were far from thinking her majesty a rightful sovereign; but they had it always in their heads, that she would contrive some way or other to have her brother succeed to her." Sir J. Clerk's MSS on Lockhart, p. 12.

<sup>28</sup> The earl of Marchmont, Melvil, Selkirk, Adam Cockburn of Ormiston, Sir John Max-

well, the earl of Leven, and Hindford, were all displaced. The duke of Queensberry and Viscount Tarbot were made secretaries of state; the earl of Seafield, chancellor; the marquess of Amundale, president of the council; the earl of Tullibardine, lord privy seal; lord Boyle, deputy treasurer; Mr. Mackenzie of Preston-hall, justice clerk; Sir James Murray of Philiphaugh, lord register; and the earl of March, governor of Edinburgh castle. Lockhart, p. 20, 21.

<sup>29</sup> Management of the late Scotch Ministry, p. 5. Lond. 1708. Minutes of Privy Council, 4th February 1703. The queen wrote a letter to the privy council, desiring that all the protestant dissenters, who behaved suitably to the reformed religion, might be protected; and she recommended to the established clergy to live in brotherly love and communion with them. Tindal, vol. v. p. 243.

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her former promises, to do every thing in her power for the satisfaction and security of her antient kingdom. She recommended, to their particular attention, the state of the forces, garrisons, and forts; the granting necessary supplies, and making proper laws for the encouragement of trade. She declared, that it should ever be her endeavour, to secure the peace and prosperity of Scotland, and expected their hearty concurrence for the same good ends. She recommended, as formerly, to provide for the poor<sup>30</sup>.

It did not escape the public notice, that, in the royal letter, though understood to contain an authoritative recommendation of those subjects which were to occupy the deliberation of parliament, no mention had been made of the succession, a point, of all others, the most interesting to national tranquillity; and while this circumstance alarmed the zealous revolutionists, it encouraged the hopes of those who had never withdrawn their affections from the court of St. Germain's.

The business of the session began with an act for recognising her majesty's title to the crown, and making it high treason to disown it, or to challenge her exercise of the government. The first clause, moved by the duke of Hamilton, was unanimously adopted; but the second, relative to the exercise of government, introduced by the lord advocate, became the subject of a long and keen debate. The object of it was to preclude any future inquiry into the authority of the last parliament. It was argued, by the opposers of this clause, that it was highly dishonourable to her majesty, by insinuating, or supposing, that the exercise of the government had been abused by her, and needed an indemnity; that whatever charges might be brought against her ministers, it was a high indignity to

<sup>30</sup> Records of the Parliament of Scotland. In consequence of this recommendation from the queen, an overture for the better employing the poor, framed by Dr. Hugh Chamberland, was taken under consideration, 14th June. Records of the Scotch Parliament. I do not

find any resolution taken upon it. The number of the poor in Scotland, at the beginning of the reign of queen Anne, was supposed to be two hundred thousand. Money and Trade considered, p. 116. Edinburgh, 1705.

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involve the royal personage in the participation of their guilt. Conscious to themselves of having advised her majesty to overstrain prerogative by upholding an authority, which had grown superannuated and illegal, they had now foisted her name into the bill, that, under the reverence due to it, they might escape that censure, which their mal-administration justly merited<sup>31</sup>.

The ministers, desirous to conciliate the country party, avoided entering, into any discussion of the question touching the authority of the last parliament; and rested the defence of the disputed clause, upon the general principles of fitness and expediency. The right of succession, vested in the person of the queen by the entail of the crown, was complete and perfect, during the life of the late king; but, as her right to the exercise of government did not accrue to her majesty till after his death, it was proper to recognise and secure it by a sanction of treason<sup>32</sup>.

From the unexpected coalition of the cavaliers and the presbyterians, the additional clause was carried by a considerable majority. The former were now devoted to the court, and the latter, though estranged from it, were afraid to relax, or expose, to future censure, that security which had been obtained for their religion by the acts passed in the last session of the convention parliament. Notwithstanding this confirmation of its authority, a secret distrust concerning the lawfulness of all its proceedings was still entertained by every party; for the most important laws, which had been passed in the last session of that parliament, were now re-enacted with little variation in their substance or titles<sup>33</sup>. This appeared, perhaps, the more necessary,

<sup>31</sup> Records of the Parliament of Scotland.

<sup>32</sup> Proceedings of the Parliament of Scotland, p. 7. It was made high treason to impugn her majesty's title to the crown of Scotland, or her exercise of the government there, from the time of her entering upon it. Appendix to the Proceedings of the Parliament of Scotland, N<sup>o</sup> I.

<sup>33</sup> Compare the act recognising her majesty's royal authority, June 12th, 1702, with the act asserting and recognising her majesty's authority, May 19th, 1703; the act for securing the true protestant religion and presbyterian government, June 12th 1702, with that for securing the true protestant religion and presbyterian government, September

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19th May. necessary, because when the commissioner was about to give the royal assent to the act of recognition, the duke of Hamilton declared, that he still understood the additional clause, as affecting only the queen's exercise of the government, and not that of her ministers; and therefore that it did not foreclose any future inquiry into their misconduct<sup>22</sup>.

Many days of this session had not elapsed, before the commissioner had the mortification to discover the error of that temporizing policy which had lately been adopted by the court, and the dangerous effects of trusting so much to the interest and fidelity of the cavaliers. Could they have been persuaded to acquiesce in a discreet and reserved support of ministerial measures, and to disguise the confidence they had gained with the court, public affairs might perhaps have been smoothly carried on, and the most important views of the ministers promoted. But they were impatient to make an ostentation of their power, by taking the first steps in a business, which, as it was of the most interesting nature, had been always assigned to the approved friends of the court. The motion for a supply was made by the earl of Home, who had been a zealous remonstrant against the revolution, had declined taking the oaths in the late reign, and was still suspected of corresponding with the court of St. Germain's<sup>23</sup>. The imprudence of conferring such a distinguished mark of the royal confidence upon a person suspected of disloyalty had been in vain represented to the commissioner by some of the Whigs, and now afforded them an opportunity of venting party resentment under the specious garb of a constitutional opposition, and patriotic zeal<sup>24</sup>. The commissioner, by making apologies for concessions which the emergency of affairs had ex-

ber 19th, 1703; the act declaring the present meeting of parliament to be lawful and free, June 12th, 1702, with the act which ratifies the turning the meeting of the states in the year 1689, into a parliament, September 16th, 1703. Scotch Acts, vol. iii. p. 603, &c.

p. 623, &c.

<sup>22</sup> Records of the Parliament of Scotland.

<sup>23</sup> Collection of Original Papers concerning the Scotch Plot. Lond. 1704.

<sup>24</sup> Lockhart, p. 40. Sir J. Clerk's MSS.

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torted, and by earnest entreaties, and flattering promises, endeavoured to reconcile the Whigs to the transient humiliation of acting a subordinate part in support of government; but his expostulations were lost upon them, and, at the same time, excited such distrust and jealousy among the cavaliers, as produced a relaxation in their attachment to the court, and rendered their future services precarious. It was, at this critical season, that a political association, or club, consisting of some of the principal nobility and gentlemen of fortune, afterwards known by the name of the *Squadron Volante*, found the opportunity of acquiring distinguished popularity and influence, by introducing into parliament a series of overtures, which, from their patriotic complexion, collected the suffrages of opposite partisans, and ultimately obtained the royal assent<sup>25</sup>. The marquis of Tweeddale, who was at the head of the *Squadron*, proposed, after the motion for a supply, that, in preference to every other business, the parliament should proceed to make *such conditions in the government, and such regulations in the constitution of the kingdom*, as might effectually operate for the preservation of religion and liberty. The public spirit of this overture disconcerted all the measures of the court; prevented the supply; and excited such a fermentation in the public mind, as could only be extinguished by the most pusillanimous concessions, or extreme severity, on the part of government.

Independence upon the counsels of England, was the object, on which the desire of the Scottish nation was now bent with an enthusiastic ardour. Jarring parties instantaneously coalesced; every difference in religious and political sentiment was suspended; the

<sup>25</sup> Tindal, vol. v. p. 246. 261. The chiefs of this party were, the duke of Montrose, the marquis of Tweeddale, the earls of Rothes, Roxburgh, Haddington, and Marchmont; to whom thirty commoners adhered. They were all firm friends to the revolution, and obtained great credit with the people, because they professed to be free from any bias of court interest. In the last years of king William, they had voted with the country party; but, after the duke of Hamilton, who headed it, had fallen under the suspicion of favouring the pretender, they formed a separate band, and always maintained great zeal for the protestant succession. Lockhart, p. 138. Ker's Memoirs, vol. i. p. 22, 23. Lond. 1727.

CHAP. VIII. 1703. pressing wants of government disregarded; the threats, and the favour of the court, equally despised, during the agitation of a subject, so universally and deeply interesting. The calamities of Scotland were described in the most plaintive strains; the influence of *foreign*, or *English* counsels, terms promiscuously used, were execrated, as the source of all that mismanagement and oppression, which had degraded and impoverished their native land<sup>38</sup>. The interference of the English parliament, in the affair of Darien, was represented as the grossest insult to the sovereignty of the Scottish nation. The expostulations of the commissioner, and strong assurances that he would continue the session till it completed every measure deemed essential to their religion and independence, upon the condition of their first passing the act of supply, was represented as fallacious and ensnaring; and, to counteract every allure-  
28th May. ment to compromise, recent examples were specified, of the violation of the most solemn promises announced from the throne. After violent debates for three successive days, the courtiers were constrained to submit, without a vote, to that arrangement of business which flattered the prejudices of the people; and to consent that the subject of constitutional reformation should precede the supply.

After this resolution had passed, draughts of various acts were read, for the security of religion, and the extension of liberty, con-  
28th. formed to the purport of the overture, introduced by the marquis of Tweeddale<sup>39</sup>. Of these the principal, and indeed the only ones, matured

<sup>38</sup> Lockhart, p. 73, 74. "The thoughts of the anger, without colour or ground, which your parliament, and not the nation, have thought fit to express against the very name of *English*, made me defer writing, lest my letter should fall into hands who might make an ill use of such a correspondence," &c. Letter from Mr. Harley to Mr. Carles, 19th August 1703. Carles's State Papers, 719.

<sup>39</sup> The principal of these were, that no Englishman having a Scottish title, unless he had an estate of twelve thousand pounds Scots (£. 1,000) yearly rent in Scotland, should have a place in the meeting of the states, 6th July.

That the kingdom should not engage in war, or continue in it, without consent of parliament, 7th July.

That all treaties, wherein the nation may be concerned,

matured and formed into laws, were, an overture brought in by the duke of Argyle for ratifying all the proceedings of the convention parliament; and another, by the earl of Marchmont, for securing the protestant religion, and the presbyterian government<sup>40</sup>.  
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From the tendency of these acts, and the general tenor of the public debates at this time, it plainly appeared, that, notwithstanding the efforts that had been made to encourage and strengthen the cavaliers, the interest of the presbyterians prevailed in every point in which they were united; and even constrained the ministers to make greater stretches of complaisance, as an atonement for having discovered any inclination to slight them, by reposing confidence in the services of their antagonists. The two acts, now mentioned, afforded a double, or rather redundant security for the presbyterian government. By the twenty-second article of the Claim of Rights, prelacy had been declared an insupportable grievance; and now, by the act which ratified the proceedings of the convention parliament, it was made treason to contradict that proposition; so that as far as the authority of the legislature could go, that religion was immovably fixed; and yet, as if this had not been sufficient, all the particular laws, which had been enacted by that parliament for establishing the presbyterian government and discipline, were accumulated and confirmed by a special statute. Such an officious and superfluous anxiety for maintaining their own prerogatives might have been overlooked without censure, had the presbyterians been satisfied with this object, or discovered the faintest traces of tenderness and lenity to their fellow protestants, even where their own interest could not, in any degree, be affected by it. But such was their intolerant spirit, that when the draught of an act of indulgence to protestant dissenters

1st June.

concerned, shall be transacted by natives commissioned by parliament, 7th July.

That the heritors should raise and arm fencible men, and exercise them once a month, 30th August. Records of the Parliament of Scotland.

<sup>40</sup> By this act it was declared high treason to quarrel, impugn, or endeavour, by writing, or malicious speaking, or other open act or deed, to alter or innovate the claim of right, or any article thereof. Records of the Scotch Parliament

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3d June. was read, it met with an opposition, so passionate and determined, that, notwithstanding the honour of the queen was in some measure at stake, the ministers found it expedient to relinquish it without a debate<sup>41</sup>.

The act of security almost entirely occupied the attention of parliament, from the 9th June to the 13th August. Various overtures were introduced, specifying such measures as appeared most effectual for extending the trade, increasing the opulence, and establishing the independence of Scotland: but the voting of them was postponed, till the commissioner gave his assent to the act of security, which was the basis upon which they were to be erected<sup>42</sup>. The debates upon the discussion of these topics, of which several specimens are recorded, convey an exalted opinion of the information, the liberality, and the eloquence of the speaker<sup>43</sup>. A spirit of independence formed a bond of union among individuals of every party. The presbyterians seemed less afraid of a popish suc-

<sup>41</sup> The day on which the toleration was moved, the commission of the general assembly drew up a representation to parliament against the petition of the episcopals, highly censurable for the sophistry of argument and illiberality of spirit which it displays. See it, Proceedings of the Scotch Parliament, p. 16.

<sup>42</sup> The principal object of the proposed act of security was to prevent the crown of Scotland being settled upon the successor to the crown of England, unless the grievances of Scotland were redressed, and certain conditions, which were specified, agreed to by the parliament of England. See next chapter.

The acts for trade were, one in favour of the company trading to Africa and the Indies; an act to prohibit the importation of Irish victual, and the exportation of English and Irish wool; and an act for allowing the importation of wines and other foreign liquors. Proceedings of the Parliament in Scotland, Appendix.

The intention of the last act was to encourage the importation of French wines, which had been prohibited four years before;

and though the Scottish gentlemen were addicted to the use of French wines, and many in the nation favourable to a commerce with France, this act was obstinately resisted, and carried only by a small majority. The reason of the opposition was this, the customs upon wines were the chief fund for the support of the civil list; and the importation of French wines was by far the most productive. In order to obstruct every source of supply, till they were gratified with the act of security, a number of the members struggled hard against a measure which, otherwise, would have been popular, and agreeable to themselves. Annals of Anne, 1703, p. 59.

The ordinary annual consumption of French wines and brandy, in Scotland, amounted from six hundred to a thousand tons. Sir J. Clerk's MSS.

<sup>43</sup> The earl of Stair, the earl of Roxburgh, the earl of Cromarty, lord Belhaven, and Mr. Fletcher of Salton, are mentioned by contemporary authors as highly distinguished for their eloquence. Sir J. Clerk's MSS.

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cessor, than of submission to a protestant prince, seated on the throne of England. The very mention of the succession, or any motion to restrain the freedom of the nation in the disposal of the crown, or leading, by remote consequence, to a concurrence with the measures adopted by the English legislature, were treated with derisive indignation. The oppression and calamities of Scotland, resulting from an unconditional dependence on England; the long intervals of the meetings of parliament; the wanton adjournment or prolongation of sessions, as best suited the jobs of ministry; the extravagance of government; the base servility of the Scottish ministers to the court, and their treachery to their native country; were all described with that fervent indignation which the heart alone can dictate. Every restriction upon trade was to be abolished; every channel of English influence shut up; every badge of inferiority and dependence torn off<sup>44</sup>. Political associations, formed at first for the redress of specific grievances, gradually enlarge the circle of their investigation; and, in the progress and habit of speculation, at length grasp at objects of reform, far beyond their early conceptions, and the designs which they originally professed to pursue. Not satisfied with proposing a disjunction from England, such overtures were now introduced for promoting the purity and frequency of parliaments, for extending their privileges, and limiting the prerogatives of the crown, as amounted to a total change of government. It was moved, that no armed force should be brought into the kingdom, or transported out of it, but with the consent of the states; that all offices, civil and military, and all pensions, formerly conferred by the prince, should be entirely at their disposal; that a new parliament should be chosen every Michaelmas, and that it should have the power of electing its own president, and of ad-

<sup>44</sup> Proceedings of the Parliament of Scotland, p. 21. 28. 47, & passim. The ideas of liberty generally entertained by the nobility and higher ranks in Scotland, at this time, extended no farther than to maintain

the independence of the kingdom, or to resist the usurpation of England: upon these subjects, however, they expressed themselves with an ardour suitable to the most correct and enlarged views of social freedom.

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journing at pleasure; and that, during the intervals of sessions, the administration of government should be vested in a committee of the states, appointed by, and responsible, solely, to them<sup>45</sup>. The commission granted by the last parliament, for a treaty of union with England, was recalled; and it was resolved, that no commission should be issued by the queen in future for that purpose, without the consent of the Scottish parliament. The royal assent to the act of security was importunately and rudely demanded<sup>46</sup>, as a preliminary condition to their voting for a subsidy, notwithstanding that the great arrears due to the army exposed the nation to imminent danger from mutiny and domestic insurrection. After having advanced in opposition to the court, so far beyond the example of any parliament since the union of the crowns, it was not to be expected, that the prerogative itself could escape the severest assaults. When the royal assent to the act of security was refused by the commissioner, it was now boldly asserted, that the negative of the sovereign, to any bill that had obtained the approbation of the states, was an usurpation upon their privileges, and a violation of the constitution<sup>47</sup>.

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<sup>45</sup> Considering the impatience which the court afterwards discovered for establishing the protestant succession in Scotland, it would probably have been willing to have compounded with the states, and to have accepted the succession at the price of the proposed limitations. To those persons who think that this would have been an improvement on the constitution, the patriots must appear to have deviated from sound policy in refusing to gratify the court when allured by such a boon.

One act, which passed at this time, (16th September,) deserves to be mentioned with particular praise, as an unequivocal test of a reforming spirit. It was ordained, that the pains of death and confiscation, enacted by former laws against the authors of scandalous speeches and libels, should be abrogated; and that, for the future, the punishment of such

crimes should be only arbitrary, i. e. discretionary, according to the demerit of the transgression, life and limb always preserved. Act against Lying-makers and Slanderers. Scotch Acts, vol. iii. p. 625.

<sup>46</sup> The earl of Roxburghe declared, that if there was no other way of obtaining so natural and undeniable a privilege of the house, as a vote, they would demand it with their swords in their hands. Lockhart, p. 57. Sir J. Clerk's MSS.

<sup>47</sup> It was urged in defence of this doctrine, that the act of Charles the Second, upon which the negative of the crown was founded, intended nothing more than to prevent the states from promulgating laws upon their own authority, without the royal assent, which had been frequently done in the time of the republic. It was asserted, that it was unwarrantable

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The inevitable consequences of passing the act of security, while such a tumultuary disposition raged among the people, filled the court with perplexity and dismay. Concessions, favourable to the liberties of Scotland, were now earnestly urged by the commissioner; every thing, with the reserve of the act of security, was tendered in the name of the sovereign to prevail with the states to vote a supply. A great majority remained obstinate and inflexible, and would listen to no terms, exclusive of their favourite act. Public business was now at a stand: an angry spirit pervaded the nation: the continuance of a session, so obstinate and refractory, gave countenance to the insults and violence which were committed by the populace, and threatened the safety of all the friends of the court. The commissioner adjourned the parliament on the 16th September.

These proceedings of the Scottish parliament, while they animated the hopes, and stimulated the efforts of the court of St. Germain, gave serious uneasiness to all who were well affected to liberty, and the constitution, in the neighbouring kingdom. Although the Tories there, now declining in the favour of the queen, might be secretly pleased with measures tending to the embarrassment of administration, yet, to maintain the external form of patriotism, they were constrained to fall in with the general torrent of alarm, and, by imputing the distractions in Scotland to the errors of the opposite party who were at the helm of affairs, they co-operated, as we shall afterwards see, in the previous steps which led to the union of the two kingdoms, and the final confirmation of the protestant succession<sup>48</sup>.

arrantable to infer from this, that the royal assent could be legally withheld from any act that had solemnly passed in that house; and, it was observed, that the negative of the crown had been interposed only of late, and in a few cases. Proceedings of the Parliament of Scotland, p. 61.

<sup>48</sup> See Appendix, N° X.

## CHAP. IX.

*Captain Frazer offers his Services to the Court of St. Germans—Is sent to England—Offers to make Discoveries to the Ministers—Information communicated by him to the Duke of Queensberry, which is transmitted to the Court—Frazer goes to the Highlands, where he is ill received—Returns to London—Goes to Paris—and is committed to the Bastille—Account of Captain Murray's Commission from the Court of St. Germans.—Several Persons from France apprehended on Suspicion.—Conduct of the Duke of Queensberry, relative to Frazer, gives great Offence.—The Leaders of the Squadron brought into Office.—A Session of Parliament.—The Queen's Letter.—The Settlement of the Succession recommended, and liberal Concessions offered to the States.—The Supply urged by the Commissioner in preference to other Business.—The Squadron lose their Popularity.—Motion for conjoining the Supply and the Act of Security.—Dangerous State of Scotland.—The Commissioner consents to the Act of Security.—Preparation in Scotland for Hostilities against England.—Resolutions of the English Parliament.—Overtures and Debates.—The Session prorogued.—The Squadron fall into disgrace with the Court.—Change in the Scottish Ministry.—Characters of the Duke of Queensberry—and the Duke of Argyle.—The Queen's Letter to the General Assembly.—Their Answer.—Parliament meets.—The Protestant Succession, and the Treaty of Union, recommended by the Queen.—Observations on the State of Parties.—The Business of the Plot resumed.—The Ministers bent on the Settlement of the Succession.—A Motion unexpectedly made for preferring the Consideration of the Union—which is carried.—Happy Effects of this Arrangement.—The Duke of Hamilton moves that the Nomination of the Scottish Commissioners should be left to the Queen.—Motives and Characters of Persons in Opposition.*

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1703.

THE period intervening between the first and second session of this parliament has been rendered memorable by the discovery of a plot against the government, which materially affected the general state of political transactions in Scotland; and furnished ground

ground for some of the keenest debates, which took place in the subsequent session of the English parliament.

Captain Simon Frazer of Beaufort, having been compelled to fly from Scotland, his native country, on account of atrocious crimes<sup>1</sup>, arrived at Paris about the beginning of the year 1702. As he had been turned out of his regiment by king William for seditious practices, he more easily obtained an introduction to the dowager queen at St. Germans; and, by his insinuating manners, procured credit for that zeal with which he professed to be devoted to the interest of her family. Ambitious of being a master-actor in every business in which he was employed, he assured the queen, that he was authorized by several of the Scottish nobility, and the chieftains of the Highland clans, to offer their services to their injured prince; and he undertook, in their name, to raise an army of twelve thousand men, upon the condition of receiving a small reinforcement, and a supply of money from France<sup>2</sup>. From the recommendation of the queen, and the pope's nuncio at Paris, whose patronage Frazer had obtained by embracing the Roman catholic religion, he was indulged in a private audience of the French king<sup>3</sup>, and afterwards had several conversations with the marquis de Torcy, upon the affairs of Scotland, and the plan of service which he proposed to execute. The amplified accounts he gave of the force and resources of the highland chieftains, on purpose more readily to procure succour

<sup>1</sup> Captain Frazer had committed a rape, and had afterwards fled to the continent. He had also been guilty of forgery and seditious practices; but obtained king William's pardon in the year 1701, for all his crimes, except the rape. Minutes of Privy Council, August 1702. He returned to Scotland, probably expecting that the lady he had injured would give him no further trouble, on account of the peculiar delicacy of her situation. But she renewed the prosecution which had been formerly instituted against him, and he again fled from the country; upon which the court of judiciary condemned him; and,

together with the privy council, offered a premium for apprehending him. Account of Captain Frazer of Beaufort. Edinburgh, 1703. Minutes of the Privy Council of Scotland, 19th February, and 16th July, 1702, &c.

<sup>2</sup> Collection of Original Papers about the Scotch Plot. Edinburgh, 1702.

<sup>3</sup> Lockhart, p. 76, 7. Frazer told the earls of Argyle and Leven, that he was obliged to declare himself a Roman catholic before he could engage the court of St. Germans to listen to his projects. See Captain Murray's Declaration to the Queen concerning Lovat, Macpherion's State Papers, 1704.

from

CHAP. IX. 1703. from the French king, produced the opposite effect, and, together with the unfavourable impressions of Frazer's character, rendered that prince equally distrustful of the capacity and integrity of such an officious agent\*.

But though these circumstances prevented any concert or agreement, about immediate interference in Scotland, on the part of Lewis, they did not open the eyes of queen Mary, and, eager as she was to grasp at every shadow of hope, she conferred the commission of a colonel on Frazer; and sent him, and captain John Murray, to consult with their friends in Scotland, about taking active steps for restoring the hereditary succession of the crown. As captain Murray's fidelity had been tried by the court of St. Germain, it is probable that he was conjoined in this commission, to keep a vigilant eye upon his colleague, and control that propensity to treacherous intrigue, of which the latter was suspected. At the same time, to cover any jealousy which the queen might entertain of Frazer, and to enable them to carry on the business with which they were intrusted, more speedily and extensively, different departments were assigned to captain Frazer and captain Murray. The former was to visit the highland chieftains, with whom he pretended to have interest; while the latter remained in the low country, to take every opportunity of discovering the inclinations of the gentlemen there, with respect to the competitors for the crown. Both of them were instructed, by the queen and her son, to express the warmest gratitude to their friends, and to recommend

\* Campbell's Declaration, 21st December; Macleod's, 32d. Maclean's. Collection of Original Papers, part ii. p. 1, &c. The Memoirs of Lord Lovat, lately published, contain such a palpable contradiction to notorious and well-attested facts, that I think it unnecessary to detain the reader with a detail and refutation of the falsehoods and misrepresentations which are advanced relative to that part of his history which has come under my notice. The book, however, bears strong marks of the character of lord Lovat: it is just such a composition as might have been expected from him; and, considering the eccentricity of the author, may afford amusement to the curious reader. It seems to have been written for the purpose of vindicating himself to the courts of France and St. Germain; and was probably shewn to persons of leading influence in both. But this is merely my own conjecture, not having had any opportunity of inquiring about the authenticity of the book.

CHAP. IX. 1703. to them perseverance in fidelity, and readiness to act upon the first favourable conjuncture, when they might be assured of obtaining immediate and adequate assistance from the French king. Captain Frazer was empowered to renew all the military commissions which had been issued by the late king James, and to promise an indemnity for past offences to every person now willing to engage in the service of his son. It was recommended to the agents and friends of the court of St. Germain in Scotland, to conduct themselves with the utmost circumspection, and, on no account whatever, to proceed to open hostilities against the established government, till they had fresh instructions for that purpose, which were to be regulated by the intelligence procured by captain Frazer, concerning the opinion and force of their adherents'.

Considering the profligacy of Frazer, it may be questioned, whether he ever had any intention of performing effectual service to the chevalier. If he had, he probably became disgusted at the coldness with which he was received by the French king; and no sooner set his foot in England, than he formed the nefarious project of counterplotting his associate, and betraying the trust which he had procured through the facility and precipitate confidence of the queen. Having been formerly patronised by the duke of Argyle, and the earl of Leven, who were strongly attached to the Whig interest, he notified his arrival to them, and offered to make discoveries of the greatest moment to government, provided he had previous assurance of protection and reward<sup>6</sup>. The intelligence was immediately communicated by these noblemen to the duke of Queensberry, who had been her majesty's commissioner in the last session of parlia-

June.

<sup>5</sup> Compare Campbell's farther Examination. of outlawry. Stuart's Papers, 1703. Macpherson. Collection of Original Papers, p. 31. Sir John Maclean's Discovery. Id. part ii. p. 4. with Instructions to Captain Murray, 3d and 5th May 1703, to Lord Lovat, which title he then bore at the court of St. Germain; it was suspended in Scotland by the sentence

<sup>6</sup> Campbell's Declaration, 24th Dec. Collection, p. 21. The duke of Argyle, to whom Frazer applied, was father of John duke of Argyle, and died September 1703, before the business of the plot had transpired.

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The duke was not insensible of the delicate situation in which he was involved by this discovery, and of the specious objections to which his conduct must inevitably be liable, whatever part he should take. As a public magistrate, it was his duty to carry the sentence of the criminal court into execution against Frazer, whose guilt, singularly abominable and ferocious, repressed every emotion of lenity, and combined virtuous indignation with that reverence which is due to the authority of law, while it disparaged every information proceeding from such an author. As Frazer's crimes had wounded the honour and peace of some of the most respectable families in the country, any connivance, or remissness in proceeding against him, and still more, any confidence or indulgence shewn to him, could not fail to expose the duke to their resentment, which would be justified by the sympathy of every person of candour and sensibility.

On the other side, there were not wanting political, and even patriotic motives, for adopting a determination, different from what was suggested by the considerations already mentioned. Many circumstances, at this time, singularly critical and portentous, exacted uncommon vigilance, and a promptitude to alarm, from all the servants of the state; and even vindicated a deviation from that strict and punctilious adherence to form, which ought invariably to regulate their official proceedings in ordinary cases during the season of public union and tranquillity. Several persons of a suspicious character, and some who had been in the service of the pretender, had returned to Scotland after the act of indemnity. The insolence of the cavaliers, who had deserted the court, could only be accounted for on the supposition of their looking to another quarter for promotion and recompence; considerable sums of money had been lately remitted from France, to Scotland and Ireland; associa-

tions had been formed among the chieftains, addicted to the interest of the chevalier; the governor of Fort William had certain information, that the highlanders were to assemble from every quarter, upon the pretence of a hunting-match, on the 2d August 1703; that several persons of distinction were to be there, and particularly the laird of Grant, attended with five hundred men of his own clan, in arms.

The duke of Queensberry was in some measure deprived of any discretionary power of judging and acting, upon such occurrences as affected the peace of the country; and had been strictly enjoined, by the ministers, to be watchful and inquisitive, and not to spare pains or money for discovering any ill designs carrying on by the enemies of government. After weighing these circumstances, it is less surprising that he came to the resolution of admitting captain Frazer into his presence; and even promised to supply him with money, on condition of his making useful discoveries. The same spirit of exaggeration, which tainted the communications of Frazer, in the character of a political schemer at the court of St. Germain, still attached to the discoveries which he now made, when acting the part of an informer and a spy. To the circumstances of his own connexion with that court, which were placed in such a light, as to convey the belief of his having been in all its secrets, he now added, that, from the information communicated by the friends of the house of Stuart in Scotland, he expected to find them prepared for an insurrection upon his arrival; that the queen, and her son, reposed entire confidence in the zeal of several of the Scottish nobility; he named some of them who corresponded with St. Germain; and produced a letter written and signed by the queen, addressed to lord Murray, now marquis of Athole, which he had found an opportunity of intercepting, as it had been intended to

<sup>7</sup> The Duke of Queensberry's Letters, 11th August 1703; 14th January 1704. Hamilton's Letter to Lieutenant-general Maitland, 23d July 1703.



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All the information, which the duke of Queensberry received from captain Frazer, he communicated to the queen, and, though he concealed the name of the author, and expressed some suspicion of his veracity, he added, that his commission under the hand and seal of the prince of Wales gave credit to what otherwise could not be believed<sup>9</sup>. The earl of Nottingham, the secretary of state, having intimated to the duke her majesty's approbation of all that he had done, he still continued to employ Frazer in such a way as seemed likely to lead to farther discoveries. He supplied the informer at different times with money, and furnished him with a pass, that he might travel without suspicion, through the south of Scotland into the highlands, where he intended insidiously to avail himself of his commission from the pretender, for detecting such persons as were disposed to embark in his interest<sup>10</sup>. So notorious, however,

<sup>8</sup> This letter was directed on the back, "Lord M——y," in a character and ink different from what had been used in the letter, and not inscribed at the bottom of the page.

Frazer, like all double men, was a gross flatterer; and, to insinuate himself into the duke of Queensberry's favour, he contrived such a specification of facts, as flattered both the private virtues and the political sentiments of that nobleman. He said, he had seen a letter from lord Tarbat, intimating to lord Middleton his being appointed secretary of state; and adding, that, in a short time, the duke of Queensberry would be turned out, an event much to be desired, because he obstructed every design formed for the interest of king James; Frazer farther declared, that the same letter mentioned the duke of Queensberry's having received a present of five thousand

pounds from the court of Hanover; upon which information, lord Middleton expressed great surprise, and said, that he knew the duke of Hamilton was capable of being bribed, but did not believe that the duke of Queensberry would take money. Queensberry's Letter, 25th September 1703. Collection, p. 7.

<sup>9</sup> Queensberry's Letter, 25th September 1703. Collection.

<sup>10</sup> The Duke of Queensberry's Declaration; Collection, p. 55. The duke of Queensberry denied any previous knowledge of Frazer's intention to go to the Highlands. But as the duke gave Frazer three hundred pounds, and also procured him a pass from the earl of Nottingham; and, as Frazer said, at their first interview, that he would employ his time in finding out some more effectual intelligence, by means of those persons who had lately come from

however, was the infamy of this man, that he seems to have been generally abhorred and avoided; and, after wandering about without having any opportunity of betraying hospitality, he returned to London, where he again had private interviews with the duke of Queensberry. He and two of his companions were furnished, by the earl of Nottingham, with passes to Holland, under fictitious names; from Holland he proceeded to France, perhaps with the purpose of performing his engagements, as a spy for the English ministers; but some of his companions, who were true to the interest which he deserted, having discovered his double-dealing, gave notice of it to the court of St. Germain; and, soon after his arrival in Paris, he was thrown into the Bastile; and met with the disgrace justly due to such complicated and enormous treachery<sup>11</sup>.

Captain Murray, who accompanied Frazer, though he continued faithful to his trust, did not meet with the reception which he had been encouraged to expect from the flattering representations of his colleague. He resided principally in Edinburgh, the centre of intelligence, and had many consultations with the friends of the exiled family; but none of them seemed disposed to enter into any enterprise of hazard for precipitating that success, which they hoped to accomplish, after a short lapse of time, by the spontaneous interposition of the queen, or the fortunate turn of events<sup>12</sup>.

A few weeks after the ministry had received information of Frazer's arrival from the duke of Queensberry, several persons coming from France to England, were apprehended upon suspicion of their being engaged in the service of the pretender, and this, corresponding with the circumstances already mentioned, spread a ge-

from France, the duke certainly left it to Frazer's own discretion to go wherever he chose; and can hardly be supposed to have been so indifferent in a matter of such importance, as not to have inquired about his journey and occupation.

<sup>11</sup> Account of the Scotch Plot, from a Gentleman in the City to his Friend in the Country, p. 2. Campbell's Declaration. Collection, p. 22. Keith's, Id. p. 35, 36. Frazer's Letter, 8th January 1704.

<sup>12</sup> Campbell's Evidence. Collection, p. 22.

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Although the conduct of the duke of Queensberry was justified by the state of the country, and by the previous instructions and subsequent approbation of the ministers, yet it did not escape the censure of his countrymen, and became the principal cause of depriving him, for a short time, of that political sway which he had long maintained in Scotland. The party in opposition complained of his having made the plot a handle for aspersing their characters, and ruining their interest with the court. The duke of Athole, who had been accused by Frazer, presented a memorial to the queen, from the tenor of which, it appears, that he was not more anxious to vindicate his own innocence, than to retort a charge of criminality upon the duke of Queensberry, founded upon the intercourse he had held with Frazer<sup>13</sup>. The cavaliers, offended because he had grown cold to them, and forwarded the bills for confirming the revolution and the presbyterian government, accused Queensberry of having fabricated the plot with a design of bringing them under suspicion<sup>14</sup>. Many of the revolutionists, instead of being alarmed, as they were wont to be upon any rumour of danger to the protestant succession, were not displeased with an occurrence which brought discredit upon a minister, who had slighted them for a season, and of whose intentions they now began to be exceedingly distrustful, notwithstanding his avowed attachment to their principles. The detestable character of Frazer, not only detracted from his testimony, but imparted a share of ignominy to every person who gave him countenance, and employed him. At the same time,

<sup>13</sup> Memorial to the Queen by the Duke of Athole, 18th January 1704. Collection, p. 8. The duke of Athole had notice of the accusation brought against him by Frazer, from the infamous Ferguson, who never was out of a plot; and who, being suspected and examined on this occasion, declared that he believed the conspiracy to have arisen, merely, from the resentful spirit and mercenary views of Captain Frazer. Compare Athole's Memorial, Collection, p. 8. with Ferguson's Declaration, Id. p. 13.

<sup>14</sup> Guthrie's History of Scotland, vol. x. p. 350. Lockhart, p. 74, 75.

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the veil which was drawn over the whole of this business by the English ministers, and their supineness in examining suspected persons, suggested a different ground of jealousy, and was often referred to, as a presumptive proof of the danger of the protestant succession. CHAP. IX. 1703.

Since the adjournment of the Scottish parliament, every party had been striving to gain the ascendancy, at a period, when it might be improved to the most substantial private benefit, as well as to the establishment of national independence. Many persons of rank resorted to the court, that they might have an opportunity of refuting any misrepresentations of their conduct, infused into the breast of the sovereign, and of proposing themselves as candidates for her patronage. Various plans of coalition were set on foot for the same ends. The cavaliers, dissatisfied with the duke of Queensberry, for the reasons already specified, made their court to the Squadrone, not less exasperated against him for having called in the co-operation of the former to thwart all their favourite measures for establishing the independence of the nation. Feeling their consequence, more than they had done at any former period, and wishing still farther to increase it, the leaders of the Squadrone did not decisively oppose the overtures of the Jacobites, while, at the same time, they entered into a confidential correspondence with her majesty's ministers, now well pleased to cherish the friendly propensities of a set of men, who, from their flaming pretensions to patriotism, had acquired a predominant influence over the minds of the people<sup>15</sup>. The court indeed, at this time, had hardly any alternative with respect to the choice of persons to be intrusted with the management of Scottish affairs. The duke of Queensberry and his partisans being laid aside, and the cavaliers more than ever suspected after the discovery of the plot, the Squadrone leaders alone remained competent for exercising the functions of government, with any prospect of success. A few months after the adjournment, some of those members, who had been most

<sup>15</sup> Lockhart, passim.

violent

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1703, 4. violent in opposition, were distinguished by the favour of the court; and before the meeting of the next session, the principal ministerial offices were vested with the heads of the Squadrone. The marquis of Athole was raised to the dignity of a duke, and lord Tarbat made earl of Cromartie. The marquis of Tweeddale was appointed her majesty's high commissioner.<sup>16</sup> The earls of Roxburghe and Seafield, secretaries of state; the earl of Rothes, lord privy seal; Mr. Baillie of Jerviswoode, lord treasurer depute; and Mr. Johnston, lord register<sup>17</sup>.

The second session of this parliament commenced at Edinburgh on the 6th of July 1704. The queen expressed regret that all her endeavours for removing the animosities of Scotland had proved unsuccessful; and that divisions had arisen to such a pitch, as to encourage the projects of her foreign enemies for rendering that part of her kingdom a scene of disorder and blood. She was confident, that her Scottish subjects were *loyal* and *faithful*; and that the late *mistakes* proceeded entirely from different opinions with respect to measures of government: she assured them of her willingness to do all in her power for rectifying abuses, and quieting the minds of her subjects; and that, for this end, she had empowered her commissioner to consent to whatever laws should be found necessary for the security of the government in church and state. She was persuaded, that, in return, they would embrace the present opportunity to convince the world, that *the true love of their country*, and not any want of duty to her, had been at the bottom of the late misunderstandings. She recommended, with the greatest earnestness, the settlement of

<sup>16</sup> The marquis of Tweeddale, considered at this time as the leader of the Squadrone, was a person of great good sense and modesty, but very hot when he received any provocation; he was a great encourager of trade and every improvement, and had the character of a patriot. MS. Characters.

<sup>17</sup> Ker's Memoirs, vol. i. p. 24. The marquis of Douglas, though a minor, was at

this time created a duke; the viscounts of Stair and Roseberry were made earls; lord Boyle was created earl of Glasgow; James Stewart of Bute, earl of Bute; Charles Hope of Hopeton, earl of Hopeton; John Crawford of Kilbernie, viscount of Gamock; and sir James Primrose of Carrington, viscount of Primrose.

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the succession in the protestant line, as absolutely necessary for their own happiness, and the security of her majesty's dominions, which she declared had been her fixed judgment ever since she came to the throne, and, if longer delayed, might make Scotland a scene of horror and devastation. With respect to the terms and conditions of government which were to affect the successor, she was ready to grant every thing in her power, that could be reasonably demanded; and she concluded with a recommendation, to make a provision for all the extraordinary occurrences occasioned by the war.

The singularity of this address, from a sovereign to her subjects, merits the particular notice of the reader, and conveys, as strongly as any facts can do, the sense entertained by ministers of the difficulties they had to encounter from the ungovernable disposition of the people, and the unsettled state of affairs in Scotland. An opposition, which had thwarted her majesty's favourite measures, and obstructed the supply, is characterised by epithets reflecting the highest honour upon all who had a share in it. Nor perhaps was ever such a latitude of concession tendered by any prince to subjects, who were not in a state of actual insurrection against the established government. The conditions, upon which the successor was to govern, are left entirely in their own hands. And, that they might not harbour the suspicion of any deception, the commissioner, whose speech had been always understood as an authentic comment upon the royal letter, told them that it was now in their power to secure every thing they could wish for the good of the country<sup>18</sup>. A language, so cajoling to persons who had set their face against government, and concessions, affording such a wide scope for faction, intrigue, and innovation, could only have been wrung from ministers, under the strong impression of approaching danger, likely to be aggravated by maintaining a lofty tone of authority.

<sup>18</sup> Records of the Scotch Parliament.

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It ought also to be remarked, that the queen's letter, at the opening of this session, was the first that had made any direct mention of settling the succession to the throne of Scotland upon the house of Hanover. This point, however much desired by her English subjects, had hitherto been a matter of indifference to the sovereign; and, perhaps, postponed from motives of policy and the impulse of natural affection. But, when her majesty began to dread personal danger from conspiracies, and was made sensible that the contingent state of the succession presented, at once, the strongest temptations, and the most favourable opportunities for carrying them into execution, she entered seriously into the views of the house of lords, who advised her to press upon the states in Scotland the entailing the crown to the protestant line<sup>19</sup>; and the commissioner was therefore instructed to grant every thing they demanded, provided that measure could be effected. So strongly however were many of that assembly prepossessed with the opinion of the queen's being secretly attached to the claims of her brother, that, lest her public asseverations to the contrary should not meet with due credit, it was deemed necessary, though certainly little to her majesty's honour, to corroborate and enforce them by the testimony of her ministers. The chancellor, who, after the commissioner, addressed the states with a profusion of eulogiums on the royal letter, alluding to an indecent distinction adopted by some divines, assured them, that her majesty had no *secret will*, contradictory to that which she revealed; and that nothing could please her better, than to believe and obey what she said<sup>20</sup>.

The present critical situation of England, engaged in an extensive and costly war, the spirit of concession which that situation sug-

<sup>19</sup> Journals Lords, 31st March, 1704. and the Jacobites stimulated to intrigue. Letter from lord Glasgow to Mr. Carstairs, Edinburgh, 27th November 1703. Carstairs's State Papers, p. 723.

<sup>20</sup> Records of the Scotch Parliament.

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gested to the ministers, and the enthusiastic ardour of the Scottish nation for independence, exalted the states at this period to a pre-eminence and dignity which they never had attained before, since their political connexion with England; and impressed the patriots with the most flattering prospect of abolishing every grievance, and establishing the freedom of their native country upon solid and lasting foundations. The questions and debates which occur in the prosecution of these objects during this session, and the tempers of the speakers, exhibit such an exact similitude to what has been delineated in the history of the preceding one, that a specific detail of them would only lead into a repetition of arguments, which could contribute neither to the instruction, nor amusement of the reader. The settlement of the succession and the subsidies were recommended by the commissioner, as requiring the most speedy dispatch; and the recent circumstances of danger, so alarming to the nation, were urged by his partisans, as a sufficient apology for deviating from that order of business, which they had so strenuously contended for in the preceding session, and for preferring these subjects to the overtures for constitutional reformation. From the declaration of some of the witnesses who had been examined on the plot, it was evident, that the friends of the pretender rested their fondest hopes upon the vague state of the succession; and that the court of St. Germain's would regard any opposition from the states to the motion for bringing it to an issue, as a pledge of their good will and future services. But this change of sentiment in the Squadrone, however speciously defended, only operated to the subversion of the popularity they had acquired in the preceding session; and the plot, which had been the pretended instrument of their conversion, furnished the anti-courtiers with new, and inconsistent objections to the conduct of the English ministers and legislature. By dilatory proceedings, the former meant to employ it as a check upon that noble spirit of patriotism which animated the generality of the Scottish nation, conniving at surmises ruinous to some of the best

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friends



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friends of their country, and intimidating others with the threats of accusation, should they dare to contravene the will of the court with respect to the succession and supply; while the house of lords in England, by assuming to themselves the examination of the suspected persons, had not only officiously intermeddled with Scottish affairs, but encroached on the sovereignty and independence of the kingdom<sup>21</sup>. The states had the best right to every information in a business, so peculiarly interesting to their own credit and the safety of the country; and it was moved, that the lord commissioner should, in their name, solicit her majesty to send down all the witnesses and papers relating to the plot; that, after diligent and impartial examination of evidence, those, who were falsely accused, might be vindicated; and the guilty punished according to their deserts<sup>22</sup>.

25th July.

The act of security, however, was the theme still uppermost with the states, and obtruded, in diversified shapes, under every subject of debate, that it might be understood as a necessary preliminary to any terms of amity, or conciliation. To ensure success beyond every hazard, arising either from the intrigues of the court, or any after abatement in their own zeal, it was resolved, that the supply and the act of security should be conjoined, and necessarily subjected to the same, indiscriminate fate. Every circumstance now concurred to inspire the ministers with desponding apprehensions concerning the state of the public. The treasury was exhausted: disaffection and turbulence infected every order: the army, weak, ill paid and mutinous, instead of overawing and repressing, was likely to encourage

<sup>21</sup> It was afterwards moved, that the address of the house of lords to the queen, in relation to the succession of the crown of Scotland, and to the examination of the plot, in so far as concerns Scotsmen, was an undue intermeddling with the concerns of Scotland; and an encroachment upon the independence and sovereignty of the nation; but that the proceedings of the house of commons in England were like those of good subjects to the queen,

and good and friendly neighbours to Scotland. The first clause, relative to the house of lords, was carried, and the last rejected. A day was also appointed for examining the plot, and an application made to the court for those documents which had been sent to London from the Scottish privy council. Records of the Scotch Parliament, 8th, 9th August 1704.

<sup>22</sup> Id. 17th July.

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and abet insurrections among the people<sup>23</sup>. While the affairs of the French king were growing desperate by the repeated defeats of his armies on the continent, the ungovernable temper of the Scots, and the numerous adherents of the house of Stuart, presented to him a favourable opportunity for changing the scene of action, by lighting the torch of discord within the bosom of that country which had upheld the confederacy. Should he succeed in making a descent on the coast of England, there could be little doubt of his being seconded by the irruptions of a rebellious multitude from Scotland into the northern counties, which would occasion the recall of the English troops in foreign service, and turn the fortune of the war<sup>24</sup>. The only expedient for eluding such accumulated and stupendous dangers, was to pass the act of security. Many evils were foreseen to result from a concession which was now to be made with a bad grace, after long and obstinate resistance; but it remained for the ministers only to make a choice between distant and present evils.

<sup>23</sup> The Scottish army, at this time, consisted only of three thousand men, double officered. The Right of Succession, p. 60. The detail of the military establishment in Scotland, in the year 1681, being a time of peace, I find stated as follows: The horse-guards, one hundred men; the foot-guards, ten companies of a hundred men; three troops of horse, of sixty horsemen; three troops of dragoons, of ninety-five; one regiment of foot, of ten companies of an hundred men: in the castle of Edinburgh, one hundred and twenty sentinels; in Stirling castle, eleven. Officers are not included in the above lists. The whole pay of the above troops amounted to £. 26,786 : 8 : 0 per annum. Right of Succession, p. 10.

This establishment was reduced in the proportion of several hundreds after the revolution, which was probably owing to the great number of recruits drawn from Scotland during the continental war. Id. 52.

At the beginning of the reign of queen Anne, Scotland had only three ships of war of a 5th or 6th rate, scantily manned, to protect their trade.

The army in England, in the year 1705, consisted of sixty-five thousand, two hundred men, besides five thousand foreigners in her pay. The English fleet carried forty thousand sailors and marines. If Scotland had been rated in the same proportion with England, according to population, her quotas, both for the land and sea service, ought to have amounted, nearly to triple the number which she actually furnished. The disproportion of the efficient force of the two kingdoms was, as thirteen to one; that, which was actually produced or collected, was, as twenty-six to one. Idem.

In the case of a disunion between England and Scotland, how despicable in the competition must the force of the latter have been!

The troops maintained by Ireland, after the peace of Ryfwick, consisted of twelve thousand men. Id. p. 54.

<sup>24</sup> Cunningham, vol. i. p. 413.

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The unforeseen course of events, or the future ingenuity and discretion of statesmen might perhaps provide an antidote against the former; but those, which had already gathered over their heads, admitted of no alternate remedy. The act of security alone could prevent the explosion. After the adjournment of the parliament for a

5th August. few days, the commissioner announced to the states his having received the royal authority for passing the act of security<sup>25</sup>

By this act, England and Scotland were now legally disjoined; and, unless a renewal of their union could be effected upon terms more equal and popular than had taken place hitherto, both nations must inevitably be plunged into all the horrors of a civil war. As if upon the eve of that awful crisis, both of them began to carry on hostile preparations, openly, and under the sanction of law. Agreeably to a clause in the act, fencible men were raised in the several counties of Scotland, furnished with arms, and trained to military discipline. In the spirit of retaliation, as well as from considerations of a provident and fair policy, the parliament of England addressed her majesty to give orders for fortifying the border towns, for arming the militia, and augmenting the regular troops stationed in the northern counties<sup>26</sup>. Several acts were passed tending to destroy the commerce of Scotland, by preventing the exportation of wool, horses, arms, and ammunition, from England and Ireland into Scotland; and for prohibiting the importation of linen cloth, black cattle,

<sup>25</sup> Records of Parliament. "The principal clause of this act was that which provided, that the successor to the crown of Scotland should not be the same with the successor to the crown of England, unless, that in this present session of parliament, or any other session of this, or any ensuing parliament, during her majesty's reign, there be such conditions of government settled and established, as may secure the honour and sovereignty of this crown and kingdom, the freedom, frequency, and power of parliaments, the religion, liberty,

and trade of the nation, from English or any foreign influence, with power to the meeting of the states, to add such farther conditions of government as they shall think necessary, the same being consistent with, and nowise derogatory from those, which shall be enacted in this or any other session of parliament during her majesty's reign." See the Act, Appendix to the Annals of Anne, 1704, N<sup>o</sup> I.

<sup>26</sup> Journals Lords and Commons, December 1704.

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sheep, coals, and salt, from Scotland into England<sup>27</sup>. The commissioners of the admiralty were instructed to issue orders to her majesty's navy for making prizes of all Scottish ships trading to France, or to any of the ports of her majesty's enemies; and an additional number of cruizers were put into commission for the more effectual execution of these orders<sup>28</sup>. The prudence and moderation of the English parliament were at the same time illustriously displayed, by qualifying the various resolutions which provided for the safety of England with such kind hints and limitations, as pointed out, and invited the states of Scotland to embrace the certain means of avoiding the desperate calamities to which both nations were jointly exposed; and evinced an unfeigned desire of establishing a permanent friendship with their Scottish neighbours<sup>29</sup>. For neither the alienation bill, nor the penal consequences annexed to it, were to operate against the Scots, except in the case of their declining to settle the succession to their crown in the protestant line; and, that no after-reluctance or delay, on the part of England, might frustrate the happy event of an union, the queen was vested with a standing authority to appoint commissioners for that purpose, whenever the states of Scotland should express their willingness to enter upon a treaty<sup>30</sup>.

<sup>27</sup> These articles were supposed to bring a clear profit of one hundred and twenty thousand pounds per annum into Scotland; of which one hundred thousand arose from the article of cattle alone. Account Current, p. i. Sir J. Clerk's MSS.

From England the principal importations into Scotland were, India goods, East and West, of all kinds, butter, cheese, tallow, leather, all kinds of household furniture, wearing apparel, arms, saddles, and horses, calculated in the gross at one hundred and fifty-one thousand pounds per annum, so that the balance against Scotland was thirty-one thousand pounds per annum, besides the money carried out by the nobility and gentry who resided in

England. Account Current, p. 3.

Scotland had a considerable traffic with England by means of pedlars, some of them carrying their wares on their backs, but most of them on horses. Their packs consisted mostly of linen cloth and lace, and were worth one hundred, sometimes two hundred pounds. These strolling merchants from Scotland were supposed to amount to upwards of two thousand at the time of the union. Right of Succession to the Crown, p. 5.

<sup>28</sup> Journals of Lords and Commons, November and December 1704, passim.

<sup>29</sup> Journals Commons, 24th November 1704, 5th February 1705.

<sup>30</sup> Id. Appendix, N<sup>o</sup> X. XI.

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After passing the act of security and granting a supply of six month scels, the business of the plot was resumed; and, if the session had been continued, would probably have been productive of additional embarrassments to administration. Several days were employed in the examination of the public accounts<sup>31</sup>. A long debate took place relative to a bill for the exportation of wool; those, who were desirous to pursue conciliatory measures with England, endeavoured to prevent it, because it was injurious to the manufactures of that kingdom, and tended to widen the breach between the two nations. But the bill passed, and was a signal to the commissioner to close a session bent upon multiplying impediments to reconciliation<sup>32</sup>. On the 27th of August, he addressed the states, expressing his regret, that they had not given such dispatch to useful business as might have been expected from the time with which her majesty had indulged them; and next day, prorogued the parliament to the 7th October.

Although a few preferments were bestowed on the friends of the Squadrone after the recess, it soon appeared that the proceedings of the last session had not answered the expectations of the ministers; and, having given great offence to the parliament of England, quickly contributed to the discredit of the persons who had lately presided in the government of Scotland. The chiefs of the Squadrone had undertaken for the settlement of the protestant succession, upon her majesty's gratifying the nation with the act of security; and, from the concurrence of the presbyterian interest, and that of the late ministers who had approved of that measure, they were not without plausible grounds, for presuming upon their ability to perform their

<sup>31</sup> From the examination of the accounts, the deficiency of the revenue, arising from the which run back to March 1689, great abuses were brought to light in the management of the revenue in Scotland. See Records of the Scottish Parliament, 1704, p. 56. 61. 66. 68. 69.

Some facts, which occurred with respect to

the deficiency of the revenue, arising from the inland excise, are particularly worthy of notice, because they exhibit, in the most striking view, the miserable condition of Scotland, occasioned by the preceding years of famine.

<sup>32</sup> Sir J. Clerk's MSS.

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engagements. They might have been instructed by their own experience, as well as the uniform testimony of history, that, of all events in expectation, none are more precarious than those which depend upon the steadiness and honour of party men. The friends of the duke of Queensberry, though professedly attached to the Hanoverian succession, were no sooner out of place than they concurred with the Jacobites and the country party, to thwart a measure which was likely to redound to the praise of their antagonists<sup>33</sup>; and thus the Squadrone were mortified by being left in a minority, and the court disappointed of the benefits which it expected from having placed them in the administration. In judging of political affairs, the ideas of ill success and misconduct are invariably associated. In proportion to the dissatisfaction, expressed by every party in England on account of the late measures in Scotland, was the odium now affixed to those who had prompted her majesty to adopt them, under the rash assurance of correcting them by after expedients, which could not now be accomplished. Though the ferment of the people, and the caprice of faction, might appear the true causes of those miscarriages, which were imputed to the presumption or imbecility of the ruling party; yet it certainly would have been impolitic in the court to have continued their authority at a crisis, that required an administration possessing every advantage of talents, popularity, and influence. From a regard to these qualifications, the duke of Queensberry, and the duke of Argyle, were now selected to superintend the management of Scottish affairs during the next session of parliament; the former being appointed to the office of privy seal, and the latter to that of lord high commissioner<sup>34</sup>.

<sup>33</sup> Ker, vol. i. p. 24. Answer to the Account of the Election in North Britain, and the Conduct of the late Ministry, p. 10. Lond. 1708. The duke of Queensberry did not attend parliament this session; but his friends, headed by the earl of Mar, entered the lists of opposition. The duke was, at this time, disgusted with the English ministers, not only for their having displaced him after faithful and dangerous services; but on account of their demurring about the payment of a considerable debt due to him by the English treasury. Oldmixon, vol. ii. p. 154. Cunningham, vol. i. p. 415. Lockhart, p. 140. Sir J. Clerk's MSS.

<sup>34</sup> Life of Argyle, p. 89. Lond. 1745.

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None of the Scottish nobility, either on account of hereditary influence, or personal talents, were better qualified to soothe and compose the present turbulent spirit of their countrymen. The duke of Queensberry had imbibed the principles of the Whigs from early education, and the example of his father, who had acted as high commissioner in the first parliament of king James, but soon became disgusted by the arbitrary proceedings of that prince, and retired from court. The present duke commanded a regiment of horse at the revolution, and, together with the duke of Ormond, joined the prince of Orange, who, in acknowledgment of his services, made him one of the lords of the bedchamber, and captain of the Scots troop of guards. He was afterwards promoted to the garter, appointed secretary of state for Scotland, and represented the royal person in the last session of parliament, during the reign of king William, and the two first of the present reign. He was endowed with a sound understanding, and a peculiar talent for gaining partisans; and, though he had many political enemies, possessed as great a share of esteem and popularity as any of his contemporaries in public character. He had acquired great experience in business, and an intimate knowledge of the characters of the leading men in Scotland; and, though he occasionally complied with their prejudices in matters of inferior consequence, yet he discovered great firmness and intrepidity in prosecution of important measures<sup>35</sup>.

John, duke of Argyle, succeeded to the title and estate of his father in September 1703; and, though he was now only in the 27th year of his age, the antiquity of his family, and his personal talents, raised him to the summit of political influence in his native country<sup>36</sup>. To that fire of eloquence, which flows from an original boldness of

<sup>35</sup> Defoe, p. 236. 365, 366. Sir J. Clerk's MSS on Lockhart, p. 229.

<sup>36</sup> He was great grandson to the marquis of Argyle, beheaded at the reformation, grandson to the earl beheaded by king James, and son to the earl who came over with the prince of Orange, and was afterwards made a duke.

It was supposed that he could bring eight thousand armed men into the field, and he had the power of criminal jurisdiction upon his own estate, independent on the sovereign. See Commission of Justiciary granted by her Majesty, 25th June 1702. Minutes of Privy Council, MSS.

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conception, and subdued the heart, he added elegance and fluency of expression, and a singular gracefulness of delivery which charmed the senses of the hearers. Great quickness of apprehension, and solidity of judgment, counterbalanced the deficiency of application. An openness of temper, and ardour of enterprise, at his first outset in the world, obtained the praise of disinterestedness and patriotism, which were not uniformly supported by the tenor of his future conduct; for he was ambitious, and fond of money; and the fury of his resentment against those who obstructed his preferment and interest precipitated him into uncommon excess of political inconsistency, and indecorum of conduct. While the renown of his family and the extent of his property placed him at the head of the highland chieftains, his passion for military glory, his bravery, and early success in the field, procured to him a high degree of influence in the British army. The popularity which he derived from his progenitors, who had been martyrs for the cause of liberty and religion, above all his other qualifications, recommended the duke of Argyle, at this time, as the fittest instrument for managing the Presbyterian interest, and accomplishing the settlement of the crown agreeably to the destination of the English parliament.

Although the more discerning Presbyterians could not be ignorant how much the security of their favourite religion depended upon the adoption of the protestant settlement; yet the calamities of Scotland, imputed to its connexion with England, had irritated their spirits, and often divided their leaders, in the discussion of those questions which involved any competition between the succession and the abolition of English influence. But, if these objects, both of which were so dear to them, could be reconciled, it was taken for granted, that the unbroken force of the Presbyterian interest would be exerted, and effectual for establishing the protestant succession.

From her majesty's choice of the duke of Argyle to preside in parliament, and from the nature of the instructions he received, there was now a fair prospect of removing those jealousies and discontents,

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which tended every day, more and more, to the disjunction of the neighbouring kingdoms. As the clergy of the establishment possessed, at this period, a great sway over the sentiments of the people, her majesty, in her letter to the general assembly of the church which met on the 29th March 1705, expressed her great alarm for the protestant interest, and her earnest desire of having the crown of Scotland entailed on the House of Hanover. The favourable reception of her majesty's letter, and the fervent antipathy with which this assembly declared against a popish successor, were considered as an auspicious prelude to the business to be discussed in the approaching meeting of parliament<sup>37</sup>.

The third session of parliament commenced, under the duke of Argyle, on the 28th June 1705. The settlement of the succession was again recommended before all other business, from her majesty's conviction of its growing necessity. She renewed her assurances of consenting to whatever provisions and limitations should be thought necessary for removing objections to that measure. The importance of the union, next to the succession, was suggested, as the most effectual measure for composing all differences, and extinguishing those heats which were fomented by the enemies of both kingdoms; and, for these ends, she earnestly recommended the passing of an act, as England had done, for a commission to set a treaty on foot between the two kingdoms. The supplies, as usual, were solicited for the purposes specified in the royal letter.

The commissioner, in his address to the states, recommended the order of business marked out in the royal letter; namely, in the first place, the settling of the succession in the protestant line; and in the second, a treaty with England<sup>38</sup>. Although the management of affairs in Scotland had been committed, by the English ministers, to the fittest persons for allaying the ferment and disorder with which

<sup>37</sup> Answer of the General Assembly of the Church of Scotland to her Majesty's Letter, 29th March 1705. <sup>38</sup> Records of the Scotch Parliament, July 1705.

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it was disturbed; yet, for the attainment of this object, they were, after all, more indebted to the disjointed state of opposition, and to the redundancy, incoherence, and extravagance of its plans, than to any diminution in the number or acrimony of its votaries. Its principal leaders and promoters were not united by a precise and definitive system of principles, or by any pre-concerted scheme of public proceedings. They often met together on the spot of deliberation, without knowing the grounds which they were to take, either in thwarting the measures of the court, or in promoting the great objects of national interest which they all professed to pursue. The variety of overtures, introduced by the heads of different factions for obtaining the same ends, prevented their being brought to a final conclusion, by distracting the attention, and dividing the opinion of their adherents. The English ministers had occasionally besieged the virtue, experienced the frailty, and availed itself of the services of individuals of every party; and from the consciousness, which too many of them felt, of not being themselves untainted with the corrupt influence which they publicly arraigned, contempt and jealousy of each other marred that reciprocal confidence which alone can secure perseverance and fidelity in the prosecution of great designs. If there were a few, whose steady and disinterested patriotism raised them above every suspicion of selfishness; yet the enlargement of their views, far transcending the apprehension of their associates, and that pride of integrity, which disdains the condescension and obsequiousness necessary to gain the support of vulgar minds, rendered their influence unequal to the purity of their motives, and the generosity of their efforts. Hence the force of the party in opposition in the Scottish parliament was not proportioned to the numbers of which it was composed, or the rank and influence of the persons who directed it. Sufficient to perplex and traverse the measures of government, it wanted compactness and energy necessary to digest and confirm plans of patriotic reformation and substantial utility. Overtures for ascertaining the limitations of government; for the reformation of abuses;

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CHAP. IX. 1705. for considering the state of the coin<sup>39</sup>, commerce, and the circumstances of the nation relative to England, and draughts of various beneficial acts were all depending at the same period; but the time of the house was principally consumed in long and angry debates, about the order and arrangement in which these should be disposed of. A month of the session elapsed before the states could come to any agreement upon the answer to the queen's letter. The pique and resentment of individuals, as well as the remaining jealousies which the different factions, united in opposition to the court, entertained of each other, often interfered with the public cause; and retarded particular measures which were considered as essential parts of the patriotic system<sup>40</sup>.

The re-instatement of the duke of Queensberry in the ministry awakened the resentment of some members of the states, who were envious and angry, because he had so long enjoyed the favour of the court; and of others, on account of injuries sustained by them, and imputed to the officious part he had taken in the business of the plot. The last of these was the basis, upon which, it was most likely, that the personal attacks against the duke would be founded; and as the ministers were exceedingly anxious to prevent the moving of that business<sup>41</sup>, the duke himself remained in London for several weeks after the meeting of the session; expecting, that the course of measures, previously adopted, would exclude the consideration of the plot<sup>42</sup>. But no sooner had he returned to Edinburgh, than an

<sup>39</sup> The sum total of the current gold and silver in Scotland, at this time, is estimated by Sir J. Clerk at one million sterling at least. Sir J. Clerk's MSS.

Mr. John Law, at this period, displayed the first symptoms of that projecting genius which afterwards raised his name to distinction, and rendered him the instrument of convulsing a mighty empire. He was the son of a goldsmith in Edinburgh, and discovering early talents and ingenuity, was patronised by the great men of different parties. He gave in a plausible scheme to the parliament for supply-

ing the national money by a proper credit; and a motion was made for adopting it, but was rejected. Lockhart, p. 144. Sir J. Clerk's MSS.

<sup>40</sup> Records of Parliament, passim.

<sup>41</sup> "You are to endeavour to prevent the reviving of former questions and debates among yourselves about the late plot and the proceedings thereupon as much as possible." Her Majesty's Instructions to the Duke of Argyle, Windsor-castle, 18th of June 1705. Paper Office.

<sup>42</sup> Lockhart, p. 141.

inquiry

CHAP. IX. 1705. inquiry into that affair was urged by the duke of Hamilton and the duke of Athole, who recurred to the stale assertion of the plot being fictitious, and intended to bring disgrace on the independent friends of their country. As their last resource to prevent any effectual procedure in this business, should they not succeed in quashing it altogether, the ministers had used the precaution of withholding the principal papers which had been solicited by the last session, as the ground of the intended examination. This disappointment gave a new edge to the acrimony of the duke of Queensberry's antagonists; and, in order to rouse the indignation of the cavaliers who did not second their views with the expected alacrity, they produced copies of some of the duke's letters to the queen, in which he had accused that party indiscriminately as enemies to her majesty<sup>43</sup>.

The two great subjects, recommended to the deliberation of the states, were, as we have seen, the settlement of the succession, and the treaty of union. To pave the way for the former, which the ministers were desirous to prefer, as an immediate antidote against the evils dreaded from the act of security, various regulations were proposed for limiting the power of the successor, extending the trade, and securing the future independence of Scotland<sup>44</sup>. In the midst of the debates upon these topics, the question for the treaty of union was unexpectedly moved; and, to the astonishment of the ministers, assigned, by a majority of votes, to an earlier discussion than that of the settlement of the succession. A variety of circumstances and motives conspired to produce this unlooked-for and sudden resolution with respect to the arrangement of the public business. Some, who had been uniformly against the court, were induced, merely from caprice and contention, to invert the order of procedure prescribed by it. Others were afraid of that tediousness and perplexity

<sup>43</sup> Lockhart, p. 157, 8, 9. The cavaliers were overawed, and durst not embark in any scheme for investigating the plot, because it might have led to discoveries ruinous to themselves and their connexions. Sir J. Clerk's MSS.

<sup>44</sup> Lockhart, p. 144. 150, 151, 152. Cunningham, vol. i. p. 423.

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which they must have encountered, in deciding the questions previously necessary to their entering upon the article of the succession; and indeed perceived, from the present temper of parties, that there was little probability of these questions being brought to a conclusion. The cavaliers, and some of the country party who were friends to the independence of Scotland, voted for disposing first of the question relative to a treaty of union; because, being of a complicated nature, they expected that it would teem with such a multiplicity of difficulties and objections, as were more likely to prevent the settlement of the succession, involved with it, than if that question had been discussed in a simple and detached form<sup>45</sup>. Impressed with the same views, the ministers themselves did not approve so cordially of the proposed order of business, as they would have done, had they foreseen the result of it, which was indeed contrary to the intention of many who voted for the motion. Happy it certainly was for both kingdoms, that the question of the union preceded that of the succession; for, if the latter had been adjusted to the desire of the parliament of England, the ministers there would not have found themselves under the same necessity of urging the treaty, as they did, when it came to be implicated with the settlement of the crown upon a protestant successor<sup>46</sup>. Nor is it unreasonable to conclude, from the present views and tempers of parties, that, though the protestant settlement had been adopted, yet, from the concessions offered to the states, it would have been clogged with restrictions and qualifications, which, far from composing and terminating, must necessarily have fomented and prolonged contentions and jealousies inimical to the quiet of both kingdoms.

<sup>45</sup> Lockhart, p. 161, 2. "The true design of all this was to defeat the succession on any terms. So the cavaliers projected; but others joined with them in order to promote the union." Sir J. Clerk's MSS. on Lockhart, p. 146.

<sup>46</sup> "The resolve which the cavaliers had carried for a treaty, previous to the settlement

of the succession, was a mere sham." Id. p. 162. After settling the order of business, an act passed for seven months cess, 21st September. (£. 42,000.)

<sup>47</sup> "If the succession had been settled, there would not have been a word of the union."

Sir J. Clerk's MSS. on Lockhart, p. 120.

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After the question for going into the discussion of the union was agreed to, a variety of motions were introduced to defeat its ultimate success. Some of them were repugnant to the spirit and plan of an incorporating union; and, had they been adopted, instead of cementing the affections of a divided people, they would have opened new sources of animosity and contest between the inhabitants of North and South Britain. Others tended to circumscribe, or to preclude altogether, those beneficial conditions which Scotland afterwards obtained from the generosity of the more prosperous kingdom.

In the course of these debates, there was not any member of the convention who seemed more determined to oppose the ministers in every point than the duke of Hamilton; and he had been the mover of several propositions intended to overturn the treaty; and yet, to the surprise and mortification of his adherents, he proposed to refer the nomination of the Scottish commissioners entirely to the queen<sup>47</sup>. The strange inconsistency of the duke's conduct, upon this occasion, was not inferred, barely, from the general scope of those measures which he had espoused in every preceding debate, but from his having been at pains to inculcate, both publicly and privately, the impropriety and danger of that which he now suggested; nor was it possible to avoid the suspicion of his being guilty of deliberate treachery, when it was observed that he made this motion at a late hour in the night, after many of his own friends, who would have opposed it, had withdrawn under the persuasion that the parliament was not then to proceed any farther in business<sup>48</sup>.

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<sup>47</sup> This was a point about which the court was particularly anxious. In the instructions of her majesty to the duke of Argyle, are the following words: "You are to endeavour, that the nomination of the commissioners for the said treaty, with the appointment of time and place, be left to us, as is done by the parliament of England."

<sup>48</sup> "If the parliament shall not agree to leave to us the foresaid nomination, you are to

be careful, that in the said nomination to be made by the parliament, all our officers of state, ministers, and others, having special dependence upon us, go the same way, and concur in the same nomination." Her Majesty's Instructions to the Duke of Argyle, &c. Articles 6th and 7th, Paper Office.

<sup>49</sup> Lockhart, p. 170. Upon the duke of Hamilton's making this motion, several of the members ran out of the house in rage and despair,

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Upon a review of the history of the last Scottish parliament, it will be admitted, that the persons who took a warm part in opposition,

despair, saying aloud, "that it was to no purpose to stay any longer, since the duke of Hamilton had so basely betrayed them." The motion was carried by a plurality of eight voices. Lockhart, p. 170. The duke, in vindication of his conduct, pretended that it was better for the queen to name the commissioners, because, if the parliament did not approve of their measures, it could take them to task more severely than as if it had named them. Sir J. Clerk says, that the duke's grand motive was, his expecting to be appointed one of the commissioners, but that the English ministry would by no means consent to it. Sir J. Clerk's MSS. on Lockhart, p. 171. 176.

The author of the Transactions during the Reign of Queen Anne imputes the mysterious and apparently dissingenuous conduct of the duke of Hamilton, and indeed the whole success of the treaty, to an incident before unknown, namely, his having received a letter from lord Middleton, beseeching his grace, in behalf of his master, "to forbear giving any farther opposition to the union, as he had it extremely at heart to give his sister this proof of his ready compliance with her wishes; not doubting but he would one day have it in his power to restore to Scotland its ancient weight and independence." The letter concluded with recommending profound secrecy in this business, as a discovery might materially prejudice their interest both in England and Scotland. Hamilton's Transactions, p. 41, &c.

1st, It is difficult to conceive how the court of St. Germain's could be persuaded to recommend a measure which stipulated for the succession of the protestant heir, and created a legal barrier against the hopes of James. Stuart Papers, passim.

2dly, The court of St. Germain's positively instructed their agents to oppose the Hanoverian succession, and the project of the union, as a trick to delude and engage them to perpetuate usurpation; and afterwards expressed the utmost regret and astonishment at its passing, which they considered to be a proof of the

treachery of Marlborough and Godolphin. Instructions to Captain James Murray. Stuart Papers, 1703.

3dly, It is somewhat extraordinary, that the court of St. Germain's, if it wished the union to pass, should have made this known, only, to the duke of Hamilton, or that he should have afterwards concealed a fact, the discovery of which was so important to rescue his character from the obloquy which he had incurred on account of the apparent inconsistency of his conduct during the dependence of the treaty. Nor is it probable, that the court of St. Germain's should have selected the duke of Hamilton as its confidential friend. Although, from his early professions and high rank, it was necessary to hold fair language with him, yet it appears that James had little reliance on his steadiness and fidelity. The duke himself was so sensible of this, that he urged it as a reason for his backwardness to interfere in the business of the Stuart family, when colonel Hooke was sent to Scotland. Hooke's Negotiations, p. 19, 20.

4thly, The author of the Transactions has furnished us with an argument that militates against the fact alluded to. The duke of Hamilton, in a letter to his son at St. Germain's, 7th March 1707, says, "Tell my lord Middleton not to be uneasy about his letter. I have been too sick to answer it, but I have burnt it, with other papers, for fear of accident; so that this secret would have gone down to the grave with me." Hamilton's Transactions, p. 44. in the Note.

If this be the letter to which the author refers, as containing instructions to the duke of Hamilton to promote the union, which the reader is naturally led to conclude, how came Mr. Hamilton to know that it contained such instructions, since the duke burnt it for fear of accident? The accounts, which he has received of its contents, must rest upon tradition, an unsound basis of credit. If he refers to other letters, as the subject was new and extraordinary, he ought to have produced them.

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were influenced by opposite motives and intentions; and that a very different estimation ought to be formed of their virtues and merits.

To men of a contracted understanding, peculiarly susceptible of local prejudices, the subjects under discussion presented an opportunity, from which they could not abstain, of venting a base and envious rancour against a nation equally entitled to the claim of ancient independence, and, in strength and prosperity, far superior to their own. The contentious opposition of others, excluded from office and consultation, was excited by selfish competitions, which engross the breasts of factious men, and overpower the dictates of reason and generosity. The most sincere and consistent opponents of every step towards a reconciliation with England, were the partisans of the house of Stuart, or those who wished for the succession of the son of James, an event more likely to happen if a legal disjunction between the two kingdoms had now taken place. The combination of ignorance, malignity, and Jacobitism, could not have been so formidable, nor so successful in meeting with popular applause, had it not been seconded by the efforts of men of a very different character, whose talents and integrity gave weight to their opinions, and have consecrated their memories to the veneration of posterity. Fired by a true love for their country, and pierced with a deep sense of the oppression she had endured under the domination of delegated rulers ever since the junction of the crowns, they were persuaded, that it was impossible for her to resume independence and freedom without a complete dissolution of all the political ties subsisting between the two kingdoms. Others did not despair of reconciling the interest of Scotland with an incorporating union; but, under the vehement impulse of a predilection for their native country, they were prompted to exceed in their demands of reparation for the past, and of securities against future injuries\*. Of this description, there was not any person more distinguished than Mr. Fletcher of

\* Sir J. Clerk's MSS. passim.



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Salton, whose comprehensive views, enforced by the most nervous eloquence, and pursued with undaunted firmness, exalt him to a high rank in the list of names which do honour to human nature. From error and inconsistency, the most wise and virtuous are not entirely exempted; and the fondest admirers of Mr. Fletcher must candidly acknowledge, that many of his projects of reform sprung from enthusiasm, rather than from the dictates of experience; and that his refined theories concerning government were not only incompatible with the sentiments and manners of the age in which he lived, but impracticable under the prejudices and infirmities of human society, in every form and condition, in which it has been exhibited in the records of history<sup>10</sup>.

<sup>10</sup> "Mr. Fletcher's schemes had but very little credit, because he himself was often for changing them; though, in other respects, a very worthy man. It used to be said of him, that it would be easy to hang him by his own schemes of government; for, if they had taken place, he would have been the first man that would have attempted an alteration." Sir J. Clerk's MSS. on Lockhart, p. 71. 156. A striking instance

of Mr. Fletcher's deviation from the principles which he professed as a friend to liberty, occurs in his printed essays. He imputes the miseries of the lower ranks, in modern times, to the abolition of slavery, and thinks their condition would be improved by re-establishing it. The emancipation of the lower ranks, however, he justly ascribes to the benevolent zeal of the first Christian preachers. Fletcher's Political Works, p. 84. Glasgow, 1749.

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*General Discontent of the Scots upon passing the Act for treating of an Union with England.—Circumstances unfavourable to the Treaty.—The inveterate Rancour which subsisted between the two Nations.—Bigotry of the Scots, and a Jealousy on account of their Religion.—Apprehensions of increased Taxation.—Subversion of the Privileges of the Nobility.—Freeholders.—Burghs.—Events favourable to the Union.—Discordant Sentiments and Interests of those who opposed it.—Address and Management of the Commissioner.—The Success of the Allies on the Continent.—The uncommon Severity of the Season.—Diligence and Anxiety of the Whigs in promoting the Treaty.—Liberality of the Terms offered to the Scots.—Feeble Opposition of the Tories.—Moderation of the Commission of the General Assembly.—Advantages of the Union to Scotland—to England.—Progress and Conclusion of the Treaty.—The Parliament of Scotland elects Representatives for the united Parliaments—adopts Regulations for disposing of the Equivalent—is adjourned.—Second Session of the Parliament in England.—Queen's Speech.—Addresses.—Supplies.—Estate and Titles of the Duke of Marlborough settled upon his Descendants.—Articles of the Union communicated to both Houses—agreed to by them.*

NO sooner was it known, that the Scottish parliament had consented to the queen's appointing commissioners for treating of an union with England, than distrust and jealousy began to agitate the public mind. The ingenuity and labour of authors were employed to enforce every topic, calculated to inflame the passions, and pervert the opinions of the people. The substance of the various treatises, published while the union was depending, will be comprehended under a survey of the prejudices, objections, and various means of resistance, which threatened to obstruct its success; and which were happily counteracted by the joint effects of ministerial influence, the dictates of sound policy, and fortunate external circumstances.

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1st, The bitter and inveterate rancour, which subsisted between the English and the Scots, rendered it improbable, that the authority of law, or any prospect of distant advantage, could ever produce that amicable correspondence, which was essential to reap the benefit, or even to maintain the external form of an union. As domestic quarrels pierce deeper into the heart, and are carried on with sharper animosity, than those which take place between persons, unconnected by any previous ties of blood or interest; so the most implacable antipathies have ever prevailed in bordering states, which a mistaken view of policy has alienated from each other, contrary to all the conciliatory analogies of lineage, language, manners, and customs. Society, in such a situation, exhibits the darkest portraits of human character; the most hideous examples of barbarity, and the most refined inventions of hostile vengeance.

The mutual jealousies and hatreds, which prevailed at an early period in the contiguous kingdoms of England and Scotland, had been inflamed to the highest degree by the arrogant pretensions of Edward I. to a feudal superiority over the latter, at a period, when it was embroiled by internal dissensions, and a disputed succession to the crown<sup>1</sup>. While the very mention of a claim, involving the most humiliating consequences, roused the indignation of a free and high spirited people, the blood and devastation, with which it was prosecuted by his successors, spread such a general horror, and transmitted such a deep remembrance of injuries, as could only be extinguished after the lapse of many ages<sup>2</sup>. The French court, characterized by

<sup>1</sup> Edward I. had formed a project of uniting the crowns of England and Scotland upon fair and honourable terms, by marrying his son Edward to the grand daughter of Alexander, king of Scotland, commonly called the Maid of Norway. The terms of union were agreed to between him and the states of Scotland. The young lady died in her voyage home from Norway, and Edward being un-

willing to relinquish so grand an object as the union, had recourse to violence and treachery to make it effectual. General History of Unions in Britain. Defoe.

<sup>2</sup> In the wars between Edward, and Bruce and Baliol, it is calculated that not less than six hundred thousand of both nations perished. Preface to Defoe's History of the Union. General History of Unions, p. 46.

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an impertinent interference in the affairs of distant states, and by the refinement and success of its intrigues, before it had yet ascended to pre-eminence in the political scale of Europe, did not overlook this favourable opportunity for courting the alliance, and fomenting the animosities of the Scots, so hurtful to their common enemies in South Britain<sup>3</sup>.

Attending to these circumstances, we are not surpris'd at the failure of repeated projects set on foot by the court of England, for obtaining the accession of Scotland by matrimonial alliance<sup>4</sup>; nor is it likely, if they had taken place, that they could have produced a cordial and durable coalition between the two countries. Considering the acrimony of their prejudices, as well as that national pride, which is always most extravagant where the people are indigent and depressed, the Scots would not long have maintained allegiance to their sovereign, placed upon the throne of England by compact or bargain.

<sup>3</sup> The privileges, granted to the Scots by the court of France, were of ancient date; and after the marriage of queen Mary to the dauphin were made equal to those of the natives. See Acts of the 8th Parliament of Queen Mary, No. 65, 6. Scotsmen had often been promoted to high offices in France. Discourse on the Union, p. 151. Edinburgh, 1702.

When an incorporating union between the two kingdoms was proposed after the accession of James I. March 1704, the immunities of the Scottish traders in France were considered as so advantageous, that various schemes were proposed for bringing the natives of both kingdoms to an equality. Spottiswood's History, p. 481. London, 1651. Although the union, then proposed, proved abortive, the immunities of the Scots in France were so offensive to their English neighbours, that when lord Hollis was sent to negotiate the peace at Breda, April 1667, he was instructed to use his endeavours with the French ambassador, to persuade that court to withdraw those ancient immunities which were enjoyed by the Scots, to the prejudice of the English. He succeeded in this

invidious application, which gave great offence to the Scots. Persuasive to the Union, p. 9. 21. Edinburgh, 1702. Reflections on Lord Feverham's Speech, London, 1704.

<sup>4</sup> Henry VIII. offered his daughter in marriage to James V. of Scotland, and to secure the crown of England to them jointly after his own death. He persevered in the same project of uniting the island after the birth of his son Edward, proposing that he should espouse Mary the daughter of James. The same alliance was pursued by the regencies of the two kingdoms, during the minority of Edward and Mary; but both attempts, that of Henry, and that of the regents, were thwarted by the opposition of the French party, and the clergy in Scotland; the former dreading the extinction of their own interest, and the latter the establishment of the reformed religion, which both Henry and his son had embraced. Preface to Defoe, p. 47. Somerset's Declaration after the Battle of Pinky; Appendix, p. 715. Declaration of Edward, Discourse on the Union, p. 6. 1702.

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The union of the two crowns was accomplished, not in consequence of any premeditated plan, or by intrigue, or force, but by such a series of incidents as was ascribed solely to the over-ruling hand of providence; while the foresight and expectation of it gradually prepared the affections of a disunited people for a peaceable acquiescence in the event. The vanity of the poorer nation was also flattered by giving a sovereign to the richer and more powerful; while a wonderful coincidence of hereditary claims, all centering in the person of the Scottish king, not only suppressed every objection arising from the comparative inferiority of his native country, but excited an enthusiasm of loyalty, which rendered the English indulgent to the national partiality of that prince<sup>5</sup>. The antipathies between the two nations soon revived, and, together with the pernicious system adopted by the house of Stuart with respect to the government of Scotland, counteracted all future attempts for incorporating the legislatures of the two kingdoms. Public events, as well as the measures of government, which took place after the revolution, more and more divided their interests and affections, till they were brought to the verge of hostility when the treaty was opened.

By the multitude, or great body of the people, the idea of an union was held in abhorrence, and considered as not less dishonourable for Scotland, than subjection to England by force, or conquest. All who were suspected of being favourable to it, whatever their former services had been, not only lost the confidence of the people, but were

<sup>5</sup> It is remarkable, that all the claims of the different competitors for the crown of England, not only those which subsisted from the Conquest downwards, but also that which was derived from the Saxon monarchs, united in the person of James I. Blackstone's Commentary, b. i. c. 3.

James made an apology for his partiality to his countrymen in a speech to the English parliament. 1607. "For my liberality," meaning to the Scots, "I have told you of

"it heretofore. My three first years were to them as a Christmas: I could not then be miserable. Should I have been over-sparing to them, they might have thought Joseph had forgotten his brethren, or that the king had been drunk with his new kingdom. The longer I live, the less cause I have to be acquainted with them, and so the less cause of extraordinary favour towards them." Strictures on the Union, p. 10. Defoe.

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in danger of becoming victims to their fury<sup>6</sup>. While the treaty was depending, addresses were presented against it by several of the counties, burghs, presbyteries, and parishes. Threatening letters were sent to the servants of the crown; and the members of parliament, who supported the inclinations of the court, were insulted by the mob in the streets of the metropolis<sup>7</sup>. The proclamations, which were issued for controlling these irregularities, were torn from the places to which they were affixed, and consigned to the flames under the very eyes of the magistrates. These outrages neither could have arisen to such a height, nor could they have been so formidable to government, if the authors of them had not been secretly countenanced by persons of influence, and encouraged with the hope of military succour. The Cameronians, a numerous body in the south, and some of the clans in the highlands, were mustered under experienced officers; and, if their force had been concentrated, might have been an overmatch for the regular troops of the queen<sup>8</sup>.

Besides the obstructions to the treaty, arising from the implacable rancour of the populace, and the probability of their having recourse to arms, there were strong prejudices, affecting the minds of more enlightened ranks, which rendered them averse to an incorporating union. That natural pride, which betrays individuals into an overweening estimation of personal talents and advantages, operates with

<sup>6</sup> Lockhart, passim. Letter to a Friend, giving an Account how the Union was received at Edinburgh, 1707. Cunningham, vol. ii. p. 59. Letter from the Duke of Argyle to Lord Somers. Edinburgh, 1706. Hardwicke's Collections, vol. ii. p. 465. Letter of Halifax to Somers. Id. p. 471. Lond. 1778.

<sup>7</sup> Lockhart, passim. Clerk's MSS. The convention of the royal burghs presented an address to the states against the union; twenty-four burghs addressed separately; twenty did not address. A few of the counties only addressed, and in these the freeholders were not unanimous.

<sup>8</sup> Lockhart, passim. Ker's Memoirs, vol. i. p. 27. The act of security authorized all the protestant heritors and the burghs to provide arms, and to discipline and exercise their fencible men. Under this cover, the gentlemen, who were averse to the union, were preparing force to oppose it. At the commencement of the treaty, the above clause in the act of security was suspended; and the subjects were prohibited from assembling upon any pretence during the session of parliament. This measure restrained, in some degree, military musters and tumultuary meetings, but did not altogether put a stop to them. Defoe, 281.

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CHAP. X. 1706. accumulating force upon communities; disposes them to lay the greatest stress upon local distinctions, and to assume an illusive superiority over other classes and associations of their fellow creatures. Where opulence and power, the true causes of political pre-eminence, are wanting, they are the more prone to resort to a fictitious excellence, and to borrow lustre from the antiquity, the dignity, and the blood of their families<sup>9</sup>. Peculiar circumstances cherished the absurd vanity and haughty spirit of the nobility and gentry in Scotland; and rendered them jealous of every measure which seemed to imply subordination to the neighbouring kingdom, or to lead to any kind of dependence upon it. The allurements of soil and climate had often tempted the rapacious invader to brave the dangers of the ocean, and to displace the hereditary possessors in the southern districts of Britain; and an advanced state of industry and commerce, by fair and gentle means, afterward produced the more frequent fluctuation of property there. In Scotland, the ruggedness of the country, the scantiness of provisions, and their personal valour, secured the inhabitants against foreign irruptions, and rendered landed property stationary and accumulative. The complexion of the laws, the limitations of manufactures and commerce, and the customary deference of vassals to their superiors, still farther contributed to the permanent tenure of estates and honours; so that Scotland, before the union, boasted of a greater number of ancient families than perhaps any other European district of equal extent. The French

<sup>9</sup> To confirm this observation, many passages might be cited from pamphlets in opposition to the union; which are curious, because characteristic of the sentiments and spirit of the times. "Though Scotland must unite as the *least considerable kingdom*, with respect to trade, wealth, &c. yet it can never otherwise unite, than as the *preferable kingdom*, with respect to *antiquity, honour, and dignity of precedence*, according to the fundamental rules of honour and heraldry, every where acknowledged."

"Which points of *dignity and honour*,

"though, perhaps, they may appear of small value to an age sunk in luxury, and degenerated into an effeminate esteem in nothing, but what puts money in their pockets to support it, would be acknowledged as of great ornament, and accounted of a very high value in the eyes of all the world, if ever the Scots should come to make such a considerable figure in an independent state, as undoubtedly they might." Rights and Interests of the two British Monarchies, p. 11. Lond. 1706.

court, expert in the political graces, had accommodated itself to the predominant foibles of its allies, by conferring peculiar honours on the descendants of the Scottish nobility, and granting valuable commercial immunities to the nation at large<sup>10</sup>. While the remembrance of these gave the Scots a bias to a connexion with France, the ridicule with which their vanity was treated by their less courtly neighbours; a prevailing disposition to vilify their condition and manners; and the affronts which individuals incurred during their occasional intercourse with the English, spread an alarming anticipation of that national depression to which they would be subjected by the union. What did it avail them, that the independence of their crown and nation were to be recognised, when, from the arrogance of their fellow subjects, they might expect to be treated with all the insolence of usurped superiority<sup>11</sup>?

The injurious effects of the union, with respect to the metropolis, furnished a picture of imaginary woe, well calculated to excite the emotions of a vulgar pity, and the remonstrances of a fantastic patriotism. The desertion of a city, venerable for its antiquity and the loftiness of its edifices, the abolition of that magnificent pageantry which attended the representation of a court, and of that profuse hospitality, which enlivened the metropolis during the meetings of the states, were lamented as serious calamities by all those who, from early impressions, and an association not incompatible with an enlightened understanding, had attached the ideas of sensibility and

<sup>10</sup> Rights and Interests of the two British Monarchies, p. 5. Collection of Treaties between France and Scotland.

<sup>11</sup> Defoe, p. 226. Several pamphlets were published in England at this time to prove the feudal superiority of the English monarchy over Scotland; and the favourable reception, which they generally met with, gave great offence to the Scots.

Mr. Anderson and Mr. Hodges, who had written in defence of the independence of Scotland, were thanked by the Scottish parliament, and received each of them a present of four thousand, eight hundred pounds Scots (£. 400.) for their patriotic labours. Records of the Scotch Parliament, 10th August 1705. Atwood's Superiority of England over Scotland, and the Scots Patriot unmasked, were voted scurrilous, and burnt by the hands of the common hangman. Idem.



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2dly, The religious prejudices of the Scots suggested uneasy apprehensions about the consequences of an incorporating union. As the fond attachment of the people to the presbyterian forms of worship and government had been a principal cause of defeating former attempts for uniting them to England, so it was now wrought upon as the fittest instrument, not only for inflaming the passions of those who were already prejudiced against the present scheme of union, but, for restraining the concurrence of others, who were zealous for the protestant succession. After the junction of the two crowns, the court had carried on a constant warfare against the form of religion favoured by the people in Scotland. Although presbytery had obtained the fullest security by the Revolution, the hearts of its votaries were not at ease. The benign interposition of William, for restraining an intolerant spirit, and discountenancing the violence of ecclesiastical proceedings against the episcopals, was illiberally ascribed to his inherent aversion to the popular religion. The present sovereign had boasted of her warm affection for the church of England; and since her accession, the prelatical clergy had openly officiated in the metropolis of Scotland, with the confident

<sup>12</sup> The commissioner to the parliament was allowed three thousand, five hundred pounds for equipage, and fifty-five pounds per day, for a hundred and twenty days for his table. He used to entertain forty members every day during the session. Inquiry into the Reasonableness and Consequences of the Union, p. 132. Thoughts on the Present State of Affairs, p. 5. 1703.

<sup>13</sup> "To the very children, and most ignorant people, they had their arguments; such as, that the honours, the crown of Scotland, sword and sceptre, should be carried away to England. The boys and mob were in-

vented to go and see the ancient crown of Scotland; for that it would soon be carried away, and they might never see it more." Defoe, p. 227.

The Scottish Parliament was opened with great pomp and formality. The officers of state, nobility, and gentry rode from the palace of Holyrood-house to the parliament house (about a mile); and no expence was spared to render their dress and equipage splendid and magnificent. Many of all ranks resorted from the country to the metropolis, to be spectators of this scene.

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expectation of her indulgence and her protection. Was it not natural to suspect, that she wished to introduce episcopacy there; and that she urged the treaty of union with greater earnestness, on account of its obvious subserviency to that end<sup>13</sup>?  
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It was well known, that the prejudices of several of the gentry and nobility in Scotland were upon the side of episcopacy; and it might be expected, that these would be strengthened from their frequent intercourse with a country where that religion was established. But, supposing that the representatives from Scotland should continue faithful to that system in which they had been educated, had not the friends of presbytery full cause of alarm, on account of the great majority, in the united parliament, who were of a different persuasion; and, above all, from the immense influence of the English hierarchy, of whose pernicious counsels their fathers had experienced the most direful effects<sup>14</sup>?

Without any respect to distant consequences, the presbyterians, who consented to the union, were accused of direct apostacy, for violating that discriminating and fundamental principle of their religion, which excluded persons vested with the clerical character from any interference in affairs of state. Some even represented the union as involving the body of the people in the blackest transgression; and, as if the oaths and vows of the fathers had been entailed upon their children, the latter were held bound, by the national covenants, to wage eternal war with prelacy<sup>15</sup>. Not content with a negative breach of these solemn obligations, by a lukewarm inactivity, they were now about to recognise an heretical authority, which would quickly subvert their own religious establishment. The purity of the doctrines, maintained by the presbyterians, the perfection of their ecclesiastical constitution, and the strictness of their discipline,

<sup>13</sup> Considerations on an Union between the two Kingdoms, p. 87. Historical Account of the Grievances in Scotland, p. 8, 9. Advantages of the Act of Security, p. 10. 1706.

<sup>14</sup> Considerations, p. 42, 3. Discourse on the Union, p. 84. Testamentary Duty of the Parliament of Scotland, p. 11. Address of the Presbytery of Hamilton.

<sup>15</sup> Idem.

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CHAP. X. 1706. were contrasted with the corruption and laxity of the church of England; and its members were calumniated and charged with gross iniquity, on account of errors which, admitting them to be such, were merely of a speculative nature. To form a more intimate connexion with them was compared to the infatuation of intruding into the habitations of pestilence; and running headlong upon those tremendous judgments which were ready to fall upon the head of an impious and profligate nation<sup>46</sup>.

3dly, The increase of taxes, and the ruin of trade, were urged as objections to the union. A decrease in the value of the landed property, a reduction of the scanty recompence allotted to the labourer, and the depopulation of the country, were represented as the certain consequences of the heavy burdens to which Scotland was to be subjected by a partnership with England. In the long list of taxes imposed in that country, it was easy to cull out a few, exceptionable and odious, from their striking against the habits and interests of particular orders of men. The Scottish gentry would be compelled to drink claret, adulterated by English vintners, at more than double the price now paid for what was pure and genuine: the common people must forego the wholesome beverage of ale and beer, raised above their ability to purchase it, by an exorbitant tax upon malt. The duty upon salt, affecting the necessities of life, would be an intolerable grievance to the poor<sup>47</sup>.

The several customs and imposts upon goods were estimated at the highest rate, without attending to the compensation which the Scottish merchants were to draw from the multiplied channels of commerce<sup>48</sup>. Great pains were taken to represent the prospects of commercial advantage, from the proffered bounty of England, as precarious and delusive. But what was, above all, preposterous in this

<sup>46</sup> Rights and Interests. Treatise iii. p. 49. Edin. 1706. Essay iv. for removing Prejudices against the Union, p. 33—6. 38—40.  
<sup>47</sup> Id. Treatise i. p. 26, 27. Lockhart, Essay v. p. 28. Letter concerning the Consequences of an Incorporating Union. 1706.  
<sup>48</sup> Advantages of the Union, p. 14, 15.

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The resort of the nobility and gentry to the seat of government, residing, making purchases, and educating their children in England; and the consumption of English manufactures, growing fashionable from the example of the great, were represented as so many drains of money, which would counterbalance all the advantages, accruing from a participation in the commerce of the richer kingdom, and involve Scotland in bankruptcy and depopulation<sup>50</sup>.

4thly, When the terms, relative to the limited number of peers and commons to be admitted into the parliament of Britain, were made known, the union was opposed as a violent infringement of the immunities of individuals and corporate bodies.

The nobility of Scotland, which, for antiquity, yielded to none in Europe, were to be degraded, and stripped of prerogatives rooted in their blood, and unalienable from their titles. Of that numerous body, only sixteen were to be admitted into the united parliament; which, considering the superior proportion of the English nobility, amounted almost to an entire extinction of their legislative authority. However inconsiderable the advantages of such a contracted representation, yet, it was to be apprehended, that the competition for it might prove the source of endless strife and envy among the noble families of Scotland. The favourites of the court would ever obtain the preference, and, by improving the opportunities of their station, might come to be established in a constant superiority over such as had formerly stood on the same level of rank and interest. The elected peers would thus monopolize all power and emolument,

<sup>49</sup> State of the Controversy, p. 21. 1706. Enquiry into the Reasonableness of the Union, Rights and Interests. Treatise i. p. 60. p. 131.  
<sup>50</sup> Id. p. 33. Treatise iii. p. 33. In-

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while the rest would sink into insignificance; and find themselves incumbered with empty titles, only serving to remind them of the substantial privileges which they had ignominiously resigned<sup>21</sup>.

The effect of the treaty in restricting the representation of the counties and burghs, was complained of as an unwarrantable stretch of parliamentary authority<sup>22</sup>. It was contended, that the united consent of the peers and representatives of the commons, was incompetent to abolish privileges, which affected the interest of the nation at large, and that of future generations. The lords might abandon or curtail privileges which centered merely in their own persons, but they certainly could not alienate, nor abrogate, the rights of their posterity, which, descending from their remote ancestors, were interwoven into the sovereignty of the nation. Nor was the application of this argument to the representative body less obvious and forcible. The representative body could not admit of any abridgment, without trenching upon the rights of the elective; it could not destroy that constitution which was the basis of its own existence; or renounce and transfer the inherent prerogatives of its constituents<sup>23</sup>.

Waving every objection to the authority of the states with respect to the point now mentioned, the unequal representation, allotted to Scotland, was too glaring to escape the notice of any person who felt for the honour and independence of his native country. The Scottish legislature was first to be dissolved, and afterwards revived, not in a state of regeneration and improvement, but mutilated, enervated, and bereaved of all independent energy; while that of England was to continue in its pristine fulness and vigour, and without any diminution of its dignity<sup>24</sup>. After this inglorious demise, and no less inglorious revival, the parliament of Scotland was to obtain somewhat less than a thirteenth part of the legislative authority of

<sup>21</sup> Considerations on the Union, p. 77, 8. fiderations, p. 56, &c. 62, &c. State of the

<sup>22</sup> Id. p. 50. Rights and Interests. Treatise iii. p. 21-4. 45. Controversy, p. 13.

<sup>23</sup> Discourse on the Union, p. 46. Con-

<sup>24</sup> Rights and Interests. Treatise iii. p. 12.

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the united kingdoms. Considering former competitions between the Scots and English, arising from local prejudices and interests; and the recent umbrages, subsisting between them, which might long interrupt reciprocal confidence and generosity, what was to be expected, but that the weaker nation would, in every dispute, be obliged to submit to the stronger; and that, at length, all the rights and privileges of the Scottish freeholders would be swallowed up in the gulf of a foreign interest<sup>25</sup>? In such a situation, the representatives from Scotland would be degraded into the condition of an impotent and contemptible minority. Their religion, their laws, and every privilege, reserved by the treaty, would be swept away by the overwhelming torrent of English influence<sup>26</sup>.

A variety of fortunate incidents conspired, with the diligence of ministers, and the weight of arguments, to counteract the prejudices and objections now recited; and to bring the treaty of union to perfection, with safety and dispatch, exceeding the hopes of its friends.

1. As parties in general were more disjointed and enervated at this time than they had ever been formerly, so neither cordiality of sentiment, nor rooted confidence, bound together those individuals who were considered as the leading opponents to the union. Lord Belhaven, whose speeches breathed an ardent strain of patriotism, made the less impression, because he had been piqued at the court from disappointment; and lay under a strong suspicion of holding a correspondence with St. Germain's<sup>27</sup>. The duke of Hamilton, and the duke of Athol, both of them adverse to the union, were rivals for the confidence of the exiled family, and of its adherents in their own country. Hence mutual jealousy and suspicion rendered them cautious of making an explicit declaration of their views to each other; or of uniting in a firm or decided prosecution of measures,

<sup>25</sup> Considerations, p. 54. Discourse on the Union, p. 84. Essay upon the Union. London, 1706. <sup>27</sup> Examinations concerning the Plot, part ii. p. 20. Journals Lords, 17th March 1704.

<sup>26</sup> Id. State of the Controversy, p. 22.

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which,

CHAP. X. 1706. which, in the fluctuation of events, might be used as the ground of their own crimination<sup>28</sup>. Hence also, among the disaffected members in the states, hesitation and perplexity arose, not knowing upon which of their leaders they ought to confide. The caprice, tergiversation, and mysterious inconsistency of the duke of Hamilton, disheartened and confounded his friends in every stage of the treaty, and operated, more powerfully than all the efforts of the ministry, to defeat measures apparently well concerted for thwarting its success<sup>29</sup>. Wearied out with the dilatory, variable, and suspicious conduct of their friends in parliament, the last hopes of opposition were founded upon domestic insurrections, assisted by the interposition of the French king.

2. By a singular concurrence of fortunate circumstances, these hopes were also disappointed. The interests and designs of the members of parliament in opposition did not differ more widely from one another, than those objects which were the ultimate aim of the several military cabals, forming upon the same pretence in different parts of the country. Some of the highland chieftains, who had collected a considerable number of armed men, not without the connivance of the leaders of opposition in parliament, had no other view than keeping the succession of the crown of Scotland open for the lineal heir of the house of Stuart. The Cameronians, distinguished no less for their obstinate bravery, than for their intolerant zeal, were

<sup>28</sup> Lockhart, p. 26. 324. 349. Clerk's MSS.

<sup>29</sup> For the evidence of this account of the duke of Hamilton's conduct, I appeal to uncontroverted facts. See Lockhart, p. 285. 293. passim. Cunningham, vol. ii. p. 58—62. Hooke's *Negotiations*, passim. Sir J. Clerk referring to Lockhart's account of the duke's eloquent speech against an incorporating union, p. 252. observes, "This speech indeed was very handsomely expressed, and a great many more to the same purpose; and yet, in all this, he plaid the mounte-

"bank entirely; for, at the same time that he was caballing at the head of the Tory side, he was in secret with the duke of Queensberry every night, or at least two or three times in a week." Referring again to Lockhart's account of the offence occasioned by the duke of Hamilton's not proceeding in a protestation against the union: "The duke of Hamilton," as I said before, "held private correspondence with the commoner, and was resolved to do nothing that might effectually mar the union."

determined

CHAP. X. 1706. determined to shed the last drop of their blood in defence of their religion, betrayed, as they apprehended, by the states, into the hands of its prelatial adversaries. The opposers of the union were too discerning not to perceive the necessity of reconciling and combining these scattered bands of insurgents, in order to enable them to make head against the regular force, placed under the ministerial direction. For this purpose, it was concerted, that the Cameronians, in the south, and the Highlanders, in the north, should rise in arms on the same day; that the former should march to Edinburgh, where the latter were to join them, after having secured the principal passes into the Highlands<sup>30</sup>. The duke of Queensberry, informed of this approaching danger, more threatening to the union than all the intrigues and harangues of its parliamentary antagonists, had recourse to the only expedient which could have been effectual to prevent it. He was well acquainted with the tumultuary spirit of the Cameronians. Any attempt to restrain it by argument and expostulation must have proved fruitless. There remained no hope of escaping its fury, but by turning it into a different channel, and directing it to another object than that on which it was now bent. The duke entered into a correspondence with the ringleaders of the insurgents. He represented the imminent danger into which they were running; promised great rewards, and even urged patriotic motives for persuading them to become instrumental in promoting the cause which they professed to oppose<sup>31</sup>. That they might more effectually per-

<sup>30</sup> Lockhart, p. 281. Ker's *Memoirs*, vol. i. p. 30. speaking of Cunningham: "I have conversed with him often, and he acknowledged, that, after he had plotted with these people to make a rebellion, he fell into remorse of conscience, partly from the wickedness, and partly from the danger of the attempt; and, from that time, entered into correspondence with the duke of Queensberry. I know likewise that he was employed by the duke to go among these men; and, by pretending to be their friend, to dissuade them from dangerous measures." Clerk's MSS. on Lockhart. See also Cunningham, vol. ii. p. 62.

<sup>31</sup> Idem. Ker of Kersfield gives a circumstantial detail of his having headed the Cameronians, and afterwards betrayed them, by the instigation of the duke of Queensberry. Ker, vol. i. p. 30. Lockhart mentions the fact of the duke of Queensberry's having engaged some of the Cameronian clergy to act as spies for the court (p. 281.); but was himself ignorant of the treachery of major Cunningham, (p. 279.) who also was in concert with the duke of Queensberry, and put himself at the head of the Cameronians in the west. Sir J. Clerk, F f 2

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form this service, the duke found it expedient to permit them, not only to connive at the fanatic prejudices of their retainers, but to indulge them in open deeds of riot and violence<sup>32</sup>. By these concessions, having acquired the confidence, it would be easy for their leaders to direct the opinions and operations of the Cameronians; and, particularly, by rousing their suspicion against the cavaliers, to dissolve that coalition which was so much dreaded by the friends of government. All this was performed with wonderful success, and the Cameronians, the most sanguinary conspirators against the union, were brought to recoil with horror from an alliance with a party, which, they were made to believe, retained the principles and attachments of those very men who had inbrued their hands in the blood of the martyrs<sup>33</sup>. Some of the Highland bands, who were advancing to Edinburgh to meet with the Cameronians, hearing of their dispersion, also retreated to their homes; and by these means one of the most threatening obstructions to which the union had been exposed was removed<sup>34</sup>.

3. If the opposers of the treaty were unfortunate in the dissolution of their political and military friends at home, they were also disappointed of that assistance which they expected from abroad.

Although the French king was restrained, by the peace of Ryfwick, from giving open aid to king James, yet the acknowledgment of his son, and the war which broke out in the year 1702, inspired the cavaliers with the confident expectation of his interposition in their behalf, as soon as it could be employed with any probable view of success. Such a prospect was now presented by the discontents of the people in Scotland on account of the projected union. These were communicated to the agents of Lewis, and it was repre-

<sup>32</sup> Mr. Ker represented to the duke of Queensberry, "that he had consented to the Cameronians burning the articles of the union at the market-crofs of Dumfries; and that it might be found expedient to burn the houses of some persons who had been instrumental in carrying on the union, in order to keep up the decorum which the Cameronians expected; but that nevertheless he would order matters so as that nothing was to be feared from this conduct, which looked very like earnest." Ker, p. 33, 4.  
<sup>33</sup> Ker, p. 35. Lockhart, p. 279.  
<sup>34</sup> Idem.

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sented, that, in the present distracted state of the country, a small supply of men and money would be effectual for subverting the government in Scotland; whereas the conclusion of the treaty, which could not otherwise be prevented, would preclude all future attempts for retrieving the fortune of the house of Stuart<sup>35</sup>. These considerations made a greater impression upon the French king than any that had been suggested since the accession of the queen; and he began to entertain serious purposes of invading Scotland, when the ill success of his arms, upon the continent, put a stop to the preparations he was making for carrying that design into execution. The dreadful losses which his armies sustained at Ramillies and Turin, in the course of the campaign 1706<sup>36</sup>, rendered Lewis utterly incapable of assisting the Jacobites in Scotland, either with money or troops; and prevented an enterprise, which, though it might not have answered all the purposes for which it was intended, might certainly have retarded, if not entirely frustrated the union<sup>37</sup>.

Debarred from the expectation of military aid, either domestic or foreign, the enemies of the court still hoped to render the treaty abortive, by drawing to the capital those riotous multitudes which were in motion in distant parts of the country. Their disappointment was occasioned by the immediate hand of Providence: The frowns of nature conspired, with the misfortunes and treachery of their friends, to rebuke their designs; and gave the last blow to their expectations. During the whole session of parliament, the season was uncommonly rainy and tempestuous; the roads became dangerous and impracticable, and the country rabbles were prevented from resorting to the metropolis, with the design of overawing the legislature, and executing vengeance upon those whom they considered as traitors to their country<sup>38</sup>.

<sup>35</sup> Middleton's Letter to Torcy, 4th September 1706. Hooke, p. 104.

<sup>36</sup> It was calculated that the French lost above a hundred thousand men in the course of the campaign 1706.

<sup>37</sup> Oldmixon, vol. ii. p. 172. Stuart Papers, 1705, &c.

<sup>38</sup> Cunningham, vol. ii. p. 58. Lockhart, p. 218.

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4. The anxiety and ardour with which the union was pursued by the whig ministers, and the state of political affairs which weakened the opposition of the tories in the English parliament, were highly propitious to its success. Her majesty, as has been observed, had been prevailed upon to give her consent to the act of security, expecting, from this indulgence, to bring the Scottish parliament into a good correspondence with that of England, by adopting the protestant settlement. When all the efforts of administration for this purpose proved ineffectual; and when at length the question of the succession was postponed to the union, the hopes of all the friends of the protestant interest were entirely suspended upon its being brought to a speedy and successful issue. To this object, therefore, the whole force of court influence, and of the abilities and industry of the ministers, was applied.<sup>39</sup> Every step in this important negotiation was concerted with circumspection and prudence, and transacted with vigour and expedition, which intimidated and confounded its opposers. The terms, conceded to Scotland, were liberal and beneficent, and such as could only have been agreed to by parliament, and approved of by the people, at a period, when the astonishing success of the English arms had diffused good humour and benignity among all ranks at home. Scotland was immediately to receive an equivalent for the proportion which she was to bear in the existing debt of England. The sum granted for that purpose was to be disbursed in such a way as would contribute most effectually to relieve the general distress of the nation; and therefore had a powerful effect in appeasing the discontents of individuals, and removing the most forcible objections to the union. Nor can it be doubted, that the services of the friends to this important measure were stimulated, and the opposition of its adversaries restrained, by liberal douceurs paid out of the English treasury.<sup>40</sup>

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<sup>39</sup> Memoirs of Great Men; Article, Godolphin, p. 347. Lond. 1714.

<sup>40</sup> From the report of the commissioners of accounts of the British parliament, March 17th

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The episcopal form of religion as settled in England, and the presbyterian as settled in Scotland, were secured by previous acts passed by the parliaments of both kingdoms; which excluded the commissioners from intermeddling with a subject, that had defeated every former attempt for uniting the two nations; and upon which, it would have been impossible to have brought them to an agreement.

17th, 1712, it appears that the sum of twenty thousand pounds had been lent by her majesty to the Scottish treasury in the year 1706, while Godolphin was minister; and, from the perplexed account given by him in the course of his examination, relative to the disposal and repayment of that sum, there is strong ground for concluding, that it was disbursed for the purpose of influencing and rewarding members who voted for the union. Journals Commons, 2d May 1712. Appendix to Lockhart. Memoirs of Godolphin, p. 266.

But though this fact be admitted, it ought to be observed, that the public money was not given for the purpose of influence, to such extent, as represented by the authors above cited; nor does it imply the criminality imputed to the ministers, and the supporters of the union in Scotland, by their contemporary antagonists, and by later historians, who have not candidly attended to the obstructions to the treaty which arose from foreign powers.

1st, As the sum of twenty thousand pounds was borrowed by the ministers in Scotland from the English treasury, under the pretext of discharging the arrears of official salaries, and of pensions; so a part of it was actually disbursed for that purpose. The creditors of the state, however favourable to the union, were not culpable for embracing such a fit opportunity to enforce the payment of the debts due to them by the government; and good policy, as well as justice, constrained the ministers to make every exertion for gratifying their demands. From the statement of the earl of Glasgow, exhibited to the commissioners of accounts in the year 1711, it appears, that a thousand pounds of the sum remitted to Scotland, by the English treasury, had been paid to the

duke of Athole who was a violent opposer of the union. Why may we not suppose, that the sums, stated to the persons who voted for it, were upon the same score? Their doing so, never could be a reason for withholding from them any demand to which they were entitled, independent of their votes.

2dly, The persons, who were active in promoting the union, incurred considerable expence in assembling and entertaining their dependents, and using other means, which custom has established, and the habits and expectations of the people render necessary to facilitate business of public consequence. Thus we find, in the list of receivers, the names of magistrates of burghs, and other persons, who were in office, or had considerable weight in the country. Such were fairly entitled to indemnification out of the funds of government.

3dly, The pecuniary opposition which the union encountered from foreign states imposed upon the ministers a necessity for employing the counteracting influence of the same expedient. The Dutch were so much alarmed at the union, because it was expected to put an end to their fishing on the coast of Scotland, that they determined to lay out a considerable sum of money to obstruct it. This fact is asserted by a person who was then in Holland, and exerted his utmost influence to prevent the Dutch from contracting so deep a stain upon their honour. Cunningham, vol. ii. p. 61—5. Defoe, p. 482. Letter to a Friend on the Union, p. 7. "France," says sir John Clerk, "was much afraid of the union: there was a constant intercourse of letters kept up, and even money remitted from France, which occasioned much difficulty in bringing about the union. MSS. on Lockhart, p. 197.

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CHAP. X. 1706. The persons, appointed by the queen to act as commissioners for England in the management of the treaty, were distinguished for their political knowledge and experience; and firmly attached to whig principles. The selection was made in Scotland, with a cautious respect to their talents, their principles, and their interest in the country<sup>41</sup>.

The conduct and success of the duke of Queensberry, her majesty's commissioner to the Scottish parliament, while the union was depending, reflected the highest honour upon his abilities, and ascertained the wisdom of administration in preferring him to that important trust. From the commencement of the treaty, he never suffered it to pause or to languish. By great personal address, and a peculiar accommodation to the tempers and interests of leading men, he either obtained their support, or repressed the violence of their opposition. He was diligent in procuring intelligence of the measures concerted by the adversaries of the court, in different parts of the country, and prevented them by immediate interposition, or turned them to account by dextrous intrigue. He discovered uncommon fortitude, by persevering in the discharge of his duty, amidst the threats and imminent dangers to which he was personally exposed<sup>42</sup>.

The same circumstances, which animated the whigs in prosecution of the treaty, cramped the efforts of the English Tories in opposing

<sup>41</sup> "In naming the Scotch commissioners, the queen had no regard to equality, as to the number of noblemen, barons and burghs, but made the choice as she herself thought fit, or as the duke of Queensberry and the duke of Argyle advised her; her chief design being to name persons, that would probably stand on what was called a revolution foot." Sir John Clerk's Journals of the Proceedings of the Scotch Parliament at the Union. MSS. Lockhart of Carnwarth was the only cavalier among the Scotch commissioners. The duke of Argyle was on service

in Flanders, and therefore not named. The celebrated Daniel Defoe was greatly assisting to the commissioners: he attended the committees of parliament, and made all the calculations on the subject of trade and taxes. He was likewise employed in answering the publications against the union; and his treatises on that subject greatly contributed to enlighten and impress the minds of judicious and candid persons in both countries. Life of Defoe. Chalmers.

<sup>42</sup> Defoe, passim. Carlyle's Letters. Clerk's MSS. passim.

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5. The prudence and moderation of the ministers of the church of Scotland, who had a leading authority in the ecclesiastical judicatories, may be assigned as a principal cause of bridling popular violence, and facilitating the progress of the treaty.

From the aversion to uniting with England, excited by the religious prejudices of the members of the Scottish church, the situation of the clergy was, at that time, singularly delicate and critical; and their influence, in whatever manner directed, could not fail to be productive of important effects upon the state of the country. If they had appeared indifferent to the consequences of the union, as affecting their religion; or if they had even disclaimed any apprehensions of danger, they would have forfeited the confidence of their congregations, and lost their usefulness. If, from a timid compliance, they had indulged too far the scruples and jealousies, or seditiously inflamed the passions of the populace, there can be little doubt of their having become successful instruments in thwarting the plans of

<sup>43</sup> Speeches of Nottingham, Rochester, &c. Annals Anne, vol. vi. p. 429.

<sup>44</sup> Journals Lords, February, passim.

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government. To tread in the straight path of integrity, and to reconcile their professional duties with their obligations to their country, required no common share of prudence and moderation. To the praise of these virtues they were fully entitled. They scrupulously avoided any communication with those persons who opposed the union upon principles different from their own; and who, from motives of resentment and ambition, wished to make use of them as tools for harassing the government, and disturbing the peace of the country. The commission of the general assembly, which had received special instructions to attend to the safety of the church, and continued to sit while the union was depending, instead of expressing any distrust of parliament, or presuming to dictate to it, presented a respectful address, requesting its particular attention to the interests of the established church. In compliance with this desire, the parliament passed the act for the security of the presbyterian church, which gave entire satisfaction to the most respectable members of the ecclesiastical court. Finding, however, that the scruples of many of their honest brethren were not removed, the commission still continued to make their application to the states, under the form of representation and petition, to provide remedies for those dangers, which the church might incur from certain articles of the treaty complained of<sup>45</sup>. By this temperate conduct, they prevented divisions among themselves, and excluded every ground of external of-

<sup>45</sup> Defoe, p. 255, 6. 609. 618. The addresses of several of the presbyteries to the states, against the union, were in a virulent strain, and highly disrespectful to government. The ministers judged it most prudent to avoid taking any notice of these addresses. In the additional instructions to the earl of Glasgow, her majesty's commissioner to the general assembly, March 1707, after the union had been agreed to, I find the following words: "You may allow the assembly to approve of the books of the commission of the assembly, though they contain the addresses made to the parliament concerning the union,"

"providing it be not mentioned in the said approbation, that these books of the commission contain the addresses concerning the union above mentioned, for which this shall be your warrant." Additional Instructions to David Earl of Glasgow, commissioner to the general assembly, 22d March 1707. Paper Office. It appears from this document, that the addresses of the presbyteries were considered as so disrespectful to government, that the commissioner did not think himself safe in conniving at them without a special warrant from the queen for that purpose.

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fence or reproach; while they abstained from making any demands upon the parliament, except such as it could grant without relinquishing or endangering the treaty.

6. Among the causes which contributed to the success of the union, it were an uncandid omission, not to ascribe somewhat to force of argument, and the dictates of a sagacious and disinterested patriotism.

The advantages of the measure to both the parties were so obvious and important, that it was impossible they could be overlooked or undervalued by any who were capable of judging without prejudice, or of feeling for the true and permanent interest of their country. The union alone could for ever put an end to those internal wars which had formerly occasioned the desolation and misery of both kingdoms, and which might have been renewed with aggravated horrors, if the crowns had been separated<sup>46</sup>. From domestic peace and the accumulated force of the two nations, it was easily foreseen, that Great Britain was to derive new strength and resources, which would render her more secure against the attacks of rival states; and enable her to rise in the scale of empire. Both nations were to be delivered from the impending evils of a contravened claim to the regal succession, and the fears which arose from the danger of the protestant religion<sup>47</sup>.

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<sup>46</sup> Many marriages had taken place between the inhabitants of both kingdoms, in consequence of the social intercourse opened by the union of the crowns, which, in case of a rupture by the failure of the treaty, would have created great distraction of affection and interest.

<sup>47</sup> Both the constitution and succession in England must have been exposed to the greatest danger, if the two kingdoms had continued in a state of political disunion. A cunning and ambitious sovereign might easily have extended his prerogative, by playing the two kingdoms against each other. This experi-

ment had actually been made under the reigns of Charles I. and II. The expedient of calling in the Scots had indeed rebounded upon its author, and proved fatal to Charles I. In the reign of his son, it approached nearer to success; and, had it not been for the loyalty of the Scots, and their firm adherence to the duke of York, who had become popular by residing among them, the whigs would have forced the bill of exclusion upon the king. In case of any rupture between the contiguous kingdoms, France, and probably Ireland, would have interposed on the side of Scotland. A number of Scottish presbyterian families, lately transplanted

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The present condition of Scotland rendered her susceptible of peculiar benefits, from a participation of the trade of England, and the future consolidation of their legislatures. By the union, all the sources of English opulence, prosperity, and independence, were thrown open to her. She was to share in every branch of a lucrative, extensive, and extending commerce; while, by a constant intercourse with her fellow-subjects in England, she would quickly attain to more advanced proficiency in agriculture, manufactures, and science<sup>48</sup>. But what above all was valuable, Scotland was to enjoy, in future, what she never experienced before, a free constitution, and the vigorous and equal dispensation of justice<sup>49</sup>.

Upon appreciating the benefits of the union to England and to Scotland, severally, there can be little doubt that the balance of profit inclined to the latter; but this did not arise from her standing upon more greedy or unreasonable demands, but merely from the inferiority of her condition, which afforded a wider scope

transplanted into Ireland, cherished all the prejudices of their countrymen, and would have entered into their quarrel with as much zeal as if they had been on the spot. The Roman Catholics would have favoured the lineal heir, who had a strong party in Scotland. Persuasive to the Union. Lond. 1702.

<sup>48</sup> The trade of Scotland was very inconsiderable before the union. Her ships were all of a light burden, and mostly employed in bringing wine from France. A short Account of Scotland, p. 21. Lond. 1702.

<sup>49</sup> The Scots were so sensible of the benefits of the union, that, at the time of the rebellion 1715, the pretender was obliged to alter that part of his proclamation which promised to repeal the union, and to express his intention of leaving it to the determination of a free parliament." Clerk's MSS.

<sup>50</sup> In the remoter parts of the country, the sittings of the courts of justice were only occasional, and at distant intervals. It appears, from the household books of rich proprietors on the borders of England, and in the high-

lands, that sums of money were allowed, and stated in the account books of the stewards, for suppressing thefts, recovering stolen cattle, and convicting criminals. Such was the power of criminal associations, that, when the commissioners of justice were appointed to hold a diet, in any of these situations, a military force was appointed, by the privy council, to protect their persons, and enforce their decrees. Minutes of Privy Council, passim.; particularly Warrant and Order by the Privy Council to the Earl of Mar, 19th March 1702.

The privy council interfered with the regular dispensation of justice, not only by taking cognizance of criminals in the first instance, and inflicting arbitrary punishments; but also, in other cases, by granting reprieves and absolving atrocious delinquents from the sentences of the criminal courts; and this misjudged and unseasonable lenity, not less than excessive severity, contributed to thwart the course of justice.

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for melioration and improvement. Nor was the surplus of gain, which was allotted to Scotland, subtracted from the profit of England; but was rather, like redundant stock, laid out upon a well digested scheme, and calculated to open new treasures of wealth to the persons embarked in it<sup>50</sup>.

The treaty of union was opened at the Cockpit on the 16th April 1706, by the commissioners of both kingdoms, appointed by the queen. The several articles having undergone an elaborate discussion, were agreed to on the 22d, and presented to the queen on the 23d July<sup>51</sup>. The treaty was first laid before the Scottish parliament, where every article was opposed by a considerable number of the members. Long and violent debates took place; and, upon

<sup>50</sup> Strictures on the Union. There can be no doubt that England also derived commercial advantages from the union. The fisheries of Scotland were imparted to her. By the exportation of British wool from Scotland, before the union, woollen manufactures were established in Sweden, Holland, and other places abroad, which were running hard in competition with England. Persuasive to the Union, p. 15.

The effects of the union, in a moral view, though perhaps less obvious, are not less important than those of a lucrative nature, and will be reflected upon with the highest satisfaction by every friend to order and virtue. When we compare the liberality of our own times with that intolerant spirit which generally prevailed before the union, and particularly rendered the members of the two national churches bitter against each other, we cannot doubt of the union having contributed to this pleasing reformation of character. The union exhibited a legal example of toleration, by recognising the authority, which presupposed the moral fitness of different religious establishments, and bound their adherents to live in peace and charity with one another. The habitual intercourse of protestants of different communions, in consequence of the union, has gradually effaced those prejudices,

which, for a considerable time after, fettered the minds of individuals, and rendered them incapable of relishing the generous policy of the legislature. But the effect of the union, in softening and meliorating the manners of the united people, is not confined to the particular instance now specified. The hostile state of England and Scotland generated habits of rancour and ferocity, and produced depredations and crimes, more destructive to the prosperity of both communities, than the attacks of their natural and avowed enemies. The truth of this observation is particularly corroborated, by the facts which occur in border counties. The outrage and barbarity of our ancestors, in the adjacent counties to England, often defied and intimidated magisterial interposition, during the reign of the Stuarts in Scotland. After the union of the crowns, and a more regular dispensation of justice, the number of criminal trials, in the border districts, still exceeded that of the interior country. Since the union of the legislatures, they have gradually decreased, and the crime of murder seldom occurs. During my residence for twenty-four years in the town of Jedburgh, where the assizes are held, there has been only one trial for murder.

<sup>51</sup> Defoe, p. 113.

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every vote, protests followed, the substance of which has been expressed in the preceding pages. All objections were at length overruled; and the whole articles of the union were approved of by a majority of the states on the 14th January 1707. On the 22d of the same month they were read in the house of commons in England, and voted by a great majority. A feeble opposition, and debates upon particular articles, followed by protests, retarded the progress of this business for a few days in the house of lords. On the 4th of March, the treaty of union was agreed to there, and on the 6th, it was ratified by the royal assent<sup>52</sup>.

After the ratification of the treaty was announced to the States in Scotland by the commissioner, they elected their representatives to serve in the first parliament of Great Britain. After which, certain regulations were adopted for disposing of the equivalent agreeably to the purposes of its destination. Several private acts were also passed; and on the 25th of March, the commissioner adjourned the parliament of Scotland; which never met again<sup>53</sup>.

The parliament of England had been prorogued beyond its usual time of meeting, in the prospect of receiving the assent of the states in Scotland to the articles of union, concluded by the commissioners at the Cockpit. But the debates there running out to a greater length than was expected, and the situation of the war requiring a speedy supply, the second session was opened on 6th December 1706.

Her majesty expressed a devout sense of the glorious success that had attended the allied arms in the last campaign; and declared her steady resolution of pursuing the advantages she had gained, till she should reap the fruits of them by an honourable peace. Relying upon her parliament for adopting the same sentiments, she solicited

<sup>52</sup> Defoe, p. 113. *Appendix*, N<sup>o</sup> I.

<sup>53</sup> A supply of eight months cess, amounting to five hundred, seventy-seven thousand, sixty-six pounds, four pennies Scots, (£. 48,088 : 16 : 8.) was granted 8th November 1706.

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supplies to carry on the war in the most effectual manner for improving the success already attained. She communicated to them the progress of the treaty of union, now depending before the parliament of Scotland.

The sentiments, contained in her majesty's speech, met with the full approbation of both houses: they expressed their congratulations on the unparalleled success of the last campaign, and the high sense they entertained of the merits of the duke of Marlborough, who, under Providence, had been the instrument of promoting it. The house of lords, of which a great majority were favourable to the present ministers, adverted to the universal satisfaction of the people, upon the public declaration, made by her majesty in concert with the states, to the ministers of the confederate princes, that no negotiations of peace should be entered into, but in conjunction with all the members of the grand alliance<sup>54</sup>. The commons not only gratified the ministers by granting more liberal supplies than had ever been done before for the service of the ensuing year, but for defraying extraordinary sums, which her majesty had advanced to her allies, during the preceding campaign, without any previous warrant from parliament<sup>55</sup>.

Both houses presented their thanks to the duke of Marlborough for his eminent services in the common cause, and contributed to the farther aggrandizement and prosperity of his family. The lords addressed her majesty, that she would be pleased to extend the honours, which she had conferred on his grace, to his posterity, by act of parliament, as the method best suiting so great an occasion; and the commons requested that his pension and estates might be annexed to his titles. Her majesty was not backward in con-

<sup>54</sup> Journ. Lords, 5th Dec.

<sup>55</sup> Her majesty had advanced fifty thousand pounds to the duke of Savoy for the better defence of Turin, and forty-seven thousand, five hundred pounds in loan to the emperor, which were approved of by the house of commons. Journals Commons, 27th Ja-

nuary. The total amount of supplies, granted this session, was six millions, one hundred thousand, four hundred and eighty-two pounds, eight shillings and twopence. This was the largest supply that ever had been granted by an English parliament.

6

sending

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1706, 7. fenting to meafures which had been fuggested by her diftinguifhed favour for him, as well as by his eminent fervices to the public; and the dignity of a dukedom, together with the manor of Woodftock, the houfe of Blenheim, and a penfion of 5000l. per annum were entailed, by act of parliament, to his male and female defcendants<sup>56</sup>.

A motion was made by the lords in oppofition, to introduce the queftion of the union in the upper houfe, before it had obtained the ratification of the Scottifh parliament; but, as this motion was evidently intended to obftruct its fuccefs, by raifing difficulties on the point of religion, it was over-ruled. This important bufinefs was at length brought forward in the form, which the minifters judged the moft favourable to its fuccefs, by an intimation from her majefty in perfon to the two houfes, that the treaty, with a few alterations, had been ratified by the Scottifh parliament.

3d Feb. After paffing an act for the fecurity of the church of England, the feveral articles of the treaty, as has already been mentioned, were confidered, and agreed to by a great majority in both houfes. A fupply was granted to her majefty for enabling her to pay the equivalent to Scotland, agreeably to the fifteenth article of the treaty. Several motions were made for adopting regulations to prevent the injuries which might be fufained by the revenue from an extraordinary importation of foreign commodities into Scotland, previous to the treaty taking effect; but thefe were waved, left they fhould be offensive to the Scots. The laft parliament of England was prorogued on the 24th April 1707<sup>57</sup>.

<sup>56</sup> Journals Lords and Commons, December, January, paffim.

<sup>57</sup> Her majefty, before the meeting of this

parliament, conferred titles on fome of the principal perfons in the Whig intereft.

## CHAP. XI.

*Campaign 1707.—Attempts and Offers made by the French King to procure Peace.—Discouraged by the Englifh Minifters.—Events and Circumftances tending to counteract the Succefs of the Allies, and to prolong the War.—Early Succefs of the Earl of Galway and the Marquis de Minas.—They are defeated at Almanza.—Succefs of Villars upon the Upper Rhine.—Count Merce defeats a Body of the French Troops at Offenburch.—Retreat of Villars.—Attack on Toulon by Prince Eugene and the Duke of Savoy.—Caufes of its Failure.—Naples furrenders to the Emperor.—The Duke of Marlborough vifits the King of Sweden at Ranftadt, and foftens his Refentments againft the Emperor.—Observations on the Campaign.—Naval Affairs.—Embaffy of the Earl of Manchester to Vienna and Venice.*

DEPRESSED by the misfortunes of the preceding campaigns, CHAP. XI.  
the French king had privately intimated his defire of entering into a treaty for peace; and the marquis d'Allegre, before the campaign was opened in 1706, prefented a memorial to the ftates on the fame fubject. To this no attention being paid, Lewis foli- cited the king of Sweden, upon his return from Poland, to offer his mediation with the belligerent powers, which he declined, becaufe they had not joined in the application<sup>1707</sup>.

Thefe repeated attempts for bringing about a peace being represented by the allies as infidious and hypocritical, the elector of Bavaria, in name of the French king, addreffed letters to the duke of Marlborough and the field deputies, folemnly difclaiming all finifter intentions, and propofing that conferences fhould be immediately opened by the minifters of the feveral potentates engaged in the war, for re-eftablifhing the general tranquillity. But this propofal was alfo rejected by the court of England and the ftates, as not ap-<sup>21ft Oct. 1706.</sup>

<sup>1</sup> Hiftory of the Gertruydenberg Negotiation, p. 87. Lond. 1712.

CHAP. XI. appearing to them a proper means for obtaining a solid peace, without a specification of preliminary articles<sup>2</sup>.

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15th Feb.

The court of France, probably with a view of removing this objection, applied to the pope for his mediation, offering at the same time to resign Spain and the West Indies, or Milan, Naples, and Sicily, to king Charles, with a barrier for the Dutch, and a compensation to the duke of Savoy for the waste made in his country. But neither were these offers deemed a sufficient inducement for entering into such a negotiation<sup>3</sup>.

The whigs were at great pains to represent the conduct of the French king, through the whole of these transactions, as insincere, and as having no other object than to gain time for repairing his exhausted forces, and to weaken the confederates by the internal jealousies, which would naturally be excited among them by the proposals he had made<sup>4</sup>.

The various and persevering applications of the French king for peace, as well as the preliminaries which he suggested to the pope when soliciting his mediation, are certainly strong arguments for inducing the belief of his sincerity; while it is perfectly consistent with that belief, to admit that he wished to sow dissensions among the allied powers, as the most effectual means for procuring what he so eagerly desired, or for strengthening his own hands, if he failed in that object. His application, first to the Dutch, and afterwards to them and the English, exclusive of the emperor and the duke of Savoy, and lastly to the pope, as the common father of the church, might very naturally infuse into the breast of the allies a suspicion of artifice and ill designs; but the admission of this will not be considered, by the impartial inquirer, as a sufficient ground for the exculpation of those ministers, who, abruptly and peremptorily, rejected proposals, which might have been improved for the accomplishment

<sup>2</sup> Quincy, tom. v. p. 272.<sup>3</sup> Tindal, vol. vii. p. 77.<sup>4</sup> Dr. Hare's Letter to a Tory Member. Lond. 1711.

of

of an equitable and lasting pacification. The English ministers discovered an anxiety to conceal every thing relative to this business from the notice and investigation of the public: they would not so much as permit the preliminaries offered by Lewis to enter into any of the newspapers; which certainly afforded just ground for suspecting either that they were doubtful of the propriety of their own conduct; or secretly conscious of acting from other motives, than those which referred, purely, to the interest of the nation<sup>5</sup>.

There were many circumstances, besides the dispositions of the present ministers, which, notwithstanding the wonderful success of the preceding campaign, discouraged every hope of the war being brought to a speedy conclusion. The splendid victories of the allies were productive of no other effect, than a transient diminution of the military power of France; and, from the immense multitude of a people<sup>6</sup>, subjected to the uncontrolled disposal of the sovereign, her armies now appeared upon the frontiers in as great force as they had done in any campaign since the commencement of the war. While the uncommon abundance of the harvest afforded an ample stock of provisions, the distresses of the French treasury were relieved by exactions and expedients, which could only take place under the most absolute and tyrannical government<sup>7</sup>.

The present state of public affairs in Germany, as well as the pride and selfishness of the emperor, excited a distrust of his making any effectual exertions for carrying on the war in that quarter where the allies were principally concerned. The disaffection of his Hungarian subjects continued violent and irreclaimable; and, if their conduct had been equal to their strength and intrepidity, they now enjoyed the most favourable opportunity for shaking off all future de-

<sup>5</sup> Salmon, vol. xxv. p. 390.<sup>6</sup> In the reign of Lewis XIV. the population of France was estimated at nineteen millions. State of the War. Lond. 1708. p. 41.<sup>7</sup> Quincy, tom. v. p. 271. Histoire de Louis, tom. vi. p. 149. The circulation of

mint bills was at first confined to Paris, but afterwards extended to all the cities and provinces of France: they had so little credit, that they were discounted at sixty per cent. Monthly Mercury, March 1707.

H h 2

pendence



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pendence upon the house of Austria. The present residence of the king of Sweden in Germany, his unremitting activity, his vast ambition, and his jealousy of the emperor in every case where their interests seemed to interfere, impressed the latter with uneasy apprehensions for the safety of his hereditary dominions; and threatened to impair the general prosperity of the confederates<sup>8</sup>.

The states of Germany, desolated and impoverished by the constant ravages of the war, furnished with reluctance a deficient proportion of men and contributions. The army on the Upper Rhine, instead of 40,000, the number agreed to by the assembly at Heilbrunn, amounted to no more than 28,000 men<sup>9</sup>. By the death of prince Lewis of Baden, that army was not only deprived of an able and experienced leader, but the appointment of the marquis of Bareith to the principal command, whose age and infirmities rendered him unfit for action, introduced a diffidence among the inferior commanders, and a general relaxation of discipline<sup>10</sup>.

The proposals for a peace made by the French king to the duke of Marlborough and the states, without adverting to the emperor, seems to have awakened the jealousy of that prince, and induced him to listen to overtures for evacuating Lombardy, a measure which enabled the French king to send additional reinforcements into Provence and Spain<sup>11</sup>. From these several causes the campaign 1707 was more unfortunate for the allies, than any that happened in the course of this war.

The earl of Galway and the marquis de Minas, with the Dutch, English, and Portuguese troops, took the field on the 16th of April,

<sup>8</sup> Histoire de Charles XII. tom. i. p. 134. Histoire de Louis, tom. vi. p. 131. 170.

<sup>9</sup> Barré, tom. x. p. 511. 524.

<sup>10</sup> Prince Lewis had acquitted himself with great ability as a general against the Turks: if his conduct was not equally brilliant in this war, it ought to be imputed, in some measure, to his never having been furnished, by the Imperial court, with force and equipments ade-

quate to the service required of him.

<sup>11</sup> Hare's Letter. The treaty consisted of no less than forty-three articles; the most important of which was, that all the French and Spanish troops, placed in the several garrisons of Sabionetto, &c. should be allowed a safe passage into France; in consequence of which, twenty thousand men were added to its armies on the frontiers.

and

and began their operations with flattering success. After destroying the enemy's magazines at Caudette, Yecla, and Montalegre in new Castile; and compelling the French army to retreat farther into the country, they returned to lay siege to the castle of Villena, on the frontier of Murcia. Before the besiegers had made any considerable progress in their operations, they were informed of the approach of the duke of Berwick, and there seemed to be no alternative, but to give him battle, or to abandon the kingdom of Valencia to the fury of an incensed enemy. Though his army was already superior to that of the allies<sup>12</sup>, yet as the duke of Orleans was on his march to join him with a large reinforcement, there was a necessity for making the attack without delay. Quitting the siege of Villena, the confederates marched towards Almanza where the duke of Berwick was encamped<sup>13</sup>. When he heard of their being near, he drew up his army in readiness to receive them. The dispositions, made by the confederate generals, were skilful and masterly; and notwithstanding their inferiority, the English and Dutch in the left wing were victorious, penetrated into the enemy's lines, and pursued them as far as Almanza; but not being supported by the Portuguese on the right, they were intercepted by the enemy, and, after an obstinate conflict, were overpowered by a constant succession of fresh troops. Several regiments were cut to pieces, and the rest of the army put to flight. Above five thousand men, including a great number of the officers of the allied army, fell in battle; and four thousand who had fled to the adjacent mountains,

<sup>12</sup> This army was far inferior to what had been computed when the allied generals in Spain concerted the campaign. The troops, brought from England by lord Rivers, were so much weakened and reduced by the tediousness of the voyage, that not above four thousand were fit for service. In the general council at Valencia, December 1706, it had been agreed, that all the forces of the confederates then in the kingdom of Valencia, and likewise

those expected from England, should act in one body; but king Charles, being afraid of the French making an attack upon Catalonia on the side of Roussillon, departed from this agreement, and drew off six of the best Spanish regiments; so that the earl of Galway's army did not exceed sixteen thousand men. Annals Anne, 1707. Appendix, N<sup>o</sup> II. Monthly Mercury, May 1707.

<sup>13</sup> Almanza is a small town in New Castile.

exhausted

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exhausted with hunger and fatigue, surrendered to the conqueror without resistance. After this unfortunate battle, the earl of Galway retreated into Catalonia, and joined the royal army under king Charles; the kingdoms of Valencia and Arragon again submitted to king Philip, and the duke of Orleans closed a successful campaign by taking the city and castle of Lerida in Catalonia<sup>14</sup>.

The cities of Serpa and Moura, in Portugal, and Ciudad-Rodrigo, in Leon, with the garrisons which defended them, also fell into the hands of the French during this campaign<sup>15</sup>.

The success of the French on the Upper Rhine was still more discouraging to the allies, because it was less expected, and, being nearer the emperor, was more threatening to him than the decline of his brother's interest in Spain. Marshal Villars, at the head of an army which consisted of the choice troops of France, marched from Alsace, and, having by feigned attacks distracted the attention of the Germans posted on the other side of the Rhine, he transported a large detachment over the river at Neuburg, from which the Imperialists fled with great precipitation. The marshal, after having defeated an advanced body of German cavalry, came to Buhl, and was making preparations for entering the enemy's lines there; but the prince of Bareith, intimidated by the superiority of his numbers and his success, retreated with all his troops under the cover of a mist, leaving immense stores of every kind, which fell into the hands of the enemy<sup>16</sup>. The Germans were defeated in successive attempts to stop the progress of the French, who overran a great part of the circle of Suabia, pillaged the principal towns, and laid the country under contributions<sup>17</sup>. It was now apprehended, that the activity and

<sup>14</sup> Berwick, vol. i. p. 354—7. Monthly Mercury, April. The town was taken by storm on the 13th October, and given up to pillage. The monks, who had acknowledged king Charles, were put to the sword. The garrison retired to the castle, where many of the citizens fled, and stood out till the 11th November, when it capitulated.

<sup>15</sup> Lettres Historiques. July.

<sup>16</sup> Quincy, tom. v. p. 296. Villars, tom. iii. p. 14.

<sup>17</sup> Id. p. 41. This campaign of Villars, otherwise so brilliant, was stained with depredations and oppressions, which reduced the people to the most extreme wretchedness. St. Simon, tom. vii. p. 253.

success

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success of Villars would undo all the advantages which had accrued to the allies from their victory at Hochstet, by restoring the elector of Bavaria to his dominions, and forcing the adjacent circles to accept of a neutrality. Although Villars was not in force to accomplish such designs, his success might have been pushed to greater extent, had it not been for two fortunate incidents, which increased the force of the allies, and weakened that of their opponents<sup>18</sup>.

The elector of Hanover was prevailed upon by the joint importunity of the emperor and the queen of England, to undertake the command of the Imperial army; and brought along with him a large and well disciplined reinforcement of Prussian and Hanoverian troops. The reputation he had acquired as a general inspired the inferior commanders with confidence; and restored military discipline, which had been relaxed to an extreme degree in the German army<sup>19</sup>.

The other event, favourable to the Germans, was the attack made upon Toulon, which drained the army of Villars by the large detachments which were ordered to march into Provence<sup>20</sup>.

The first exertion of the Germans, under the auspices of their new general, was attended with signal success. Count Merci was sent to attack a body of French troops posted near Offenburg with the intention of making an incursion into Suabia; he came upon them by surprise; eight hundred of them fell, and the rest were put to flight after a short resistance. Villars was now compelled to retrace the ground through which he had passed with such rapidity and triumph; and to place his army in winter-quarters on the other side of the Rhine<sup>21</sup>.

<sup>18</sup> Tindal, vol. vii. p. 24. The author of the Memoires de Villars mentions the marquis of Bareith's having entertained this apprehension, without considering that Villars was not furnished with artillery, &c. necessary for the siege of Ulm, and accommodations for establishing himself there, without which such an

enterprize must have been fruitless. Villars, vol. iii. p. 65.

<sup>19</sup> Histoire de Louis, tom. vi. p. 153.

<sup>20</sup> Villars, tom. iii. p. 85, 6.

<sup>21</sup> Id. p. 108, 9. History of Europe, 1707. p. 331.

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30th June.

The renewed force of the French king, after repeated defeats which he had sustained on the frontiers and in Germany, excited a general desire among the allies of invading his native dominions. As it was only on the Mediterranean coast that their naval and military force could act in conjunction, so it was evident that success in that quarter would redound effectually to their common advantage, by giving the severest blow to the maritime power of France; and by cutting off her commerce with the Spanish West Indies, which furnished the principal resources for maintaining the war. It was therefore concerted between England and the States, that prince Eugene and the duke of Savoy, at the head of the Italian army, should pass the Alps and enter into Provence; that they should make several feints for concealing their true design from the enemy; and afterwards descend to the mouth of the Var, where the fleet under Sir Claudsley Shovel would furnish them with provisions and artillery; and from thence proceed with the utmost dispatch to invest Toulon. The first part of this plan was executed with a facility which exceeded the expectations of its projectors; and the Italian army, seconded by the English seamen, who displayed astonishing intrepidity, forced their passage over the Var in the face of entrenchments, which appeared impregnable<sup>22</sup>. Owing however to the subsequent remissness of the duke of Savoy in prosecuting his march, or to unavoidable impediments in a country, where provisions were scarce, and the roads narrow and rugged; not only the inhabitants of the neighbouring districts, but numerous reinforcements from the distant provinces, had reached Toulon; and, with unremitting labour, erected strong fortifications on the hills adjacent to the city<sup>23</sup>. The confederates made themselves masters of some of the enemy's

<sup>22</sup> Sir C. Shovel ordered five ships of war to enter the mouth of the Var, where they began to cannonade the French lines; after which, six hundred seamen landed in open boats, and advanced against the enemy, who

were so much struck with this unexpected and bold attack, that they threw down their arms and abandoned their works.

<sup>23</sup> *Appendix*, N<sup>o</sup> XII.

posts:

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15th Aug.

posts: they failed, with the loss of many men, in their assaults upon others; while the French force, gathering from every quarter, threatened in a few days to render the retreat of the assailants impracticable. Desisting from all farther attacks, they struck their tents under cover of the night, and conducted their march with such alertness and regularity, as to elude any molestation from the pursuit of the enemy<sup>24</sup>.

This expedition, though it failed of its ultimate design, was productive of very considerable damage to the French. Eight of their capital ships were destroyed, several magazines blown up, and a hundred and sixty houses burnt in the town. The devastations committed by the allied army in their march through Provence were estimated at thirty millions of livres; and the town and castle of Sufa were taken by the duke of Savoy in his return, which formed a strong barrier between his dominions and Dauphiny<sup>25</sup>. The miscarriage of the attack upon Toulon, for which various reasons were assigned, was principally owing to the inflexible obstinacy of the emperor in prosecuting the conquest of Naples, in opposition to the remonstrances of England and the States<sup>26</sup>. If the force occupied there had been joined to that of the allies, Toulon would probably have fallen into their hands, while the submission of Naples, from the present disposition of its inhabitants, must have been a certain consequence of that event.

<sup>24</sup> *Lives of the Admirals*, vol. iii. p. 155. Their retreat was greatly assisted by the fleet.

Admiral Dilkes advanced into the creek of Fort St. Lewis, with five bomb vessels, and all the boats of the men of war, supported by the light frigates, and bombarded the town and harbour, which diverted the French army, for a considerable time, from pursuing the confederates. *London Gazette*, N<sup>o</sup> 4352. Gregg, who was executed for treason, confessed that he sent a copy of the queen's letter to the emperor, relative to the project against Toulon, to monsieur Chamillard, which made the French more forward in taking measures for

its defence. *Gregg's Examination*.

<sup>25</sup> *Idem*. *Tindal*, vol. vii. p. 291.

<sup>26</sup> *Dutch Envoy's Memorial*. Letter to a Tory Member, p. 12, 13. The emperor not only failed in his engagements to the allies to support this expedition, but embraced the opportunity of attacking Naples, because it could not receive any assistance from the French and Spaniards. *Life of Bolingbroke*, p. 111. He was jealous of the aggrandizement of the duke of Savoy, and wanted to get possession of Naples to prevent its being transferred to him at a general peace. *Sunderland's Letter*. *Cole's Collection*, p. 457. *London*, 1733.

The



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10th Sept.

The cardinal Pignatilli, archbishop of Naples, and the duke of Monteleone, his brother, had entered into a conspiracy for delivering the city into the hands of the Germans, upon certain conditions, to which the court of Vienna had secretly agreed<sup>27</sup>. The Neapolitans in general were so much disgusted with the severities of the French government, that the few friends of Philip, when count Thäun approached, finding it in vain to attempt any resistance, secretly conveyed all their treasure to Gaeta, whither they afterwards fled themselves. The neighbouring towns, garrisoned with French troops, followed the example of Naples; and count Thäun finished his prosperous career with the siege of Gaeta, which was taken by storm<sup>28</sup>.

The duke of Marlborough promoted the interests of the confederacy by the success of his negotiations, more than by the effects of his generalship during the campaign 1707. While the king of Sweden remained in Saxony, at the head of a powerful army, flushed with victory, and impatient to signalize themselves in the service of a general who was their companion in every hardship and danger, his alliance was courted by the French king, and the elector of Bavaria, with the most assiduous attention and importunity<sup>29</sup>. The violent displeasure which Charles expressed at the conduct of the emperor<sup>30</sup> was extremely flattering to their wishes, and would probably

<sup>27</sup> The principal conditions were, that all the privileges, stipulated to the Neapolitans, by Charles V. should be confirmed; and that all offices, civil and ecclesiastical, should be confined to Neapolitans. Quincy, tom. v. p. 356.

<sup>28</sup> Histoire de Louis, tom. vi. p. 162.

<sup>29</sup> Barré, tom. x. p. 504. The French king notified to the king of Sweden his intention of invading Scotland, with a memorial, urging the just title of James to the crown of England. Jackson's Letter to Mr. Boyle, Stockholm, 21st March 1708. MSS.

<sup>30</sup> Charles complained of an insult offered to his envoy by count Zeber, chamberlain to

his Imperial majesty; and required the delivery of the Russian troops, which, after having invaded Saxony, were received into the German army in the Upper Rhine: he availed himself also of the present crisis, to make several demands relative to his private interest; and to obtain, for the protestants in Silesia, the free exercise of their religion. Tindal, vol. vii. p. 257. He was displeased, because the minister of Augustus had produced his commission to the Imperial chamber at Wetzlar, under the arms and title of Poland. Lord Raby's Letters to Mr. Boyle, 21st, 28th April. MSS. The interposition of the queen of England and the States, at length, over-

came

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27th April.

21st May.

bably have fixed his resolution in their favour, had he not, at the same time, been exasperated against the Czar for having over-run Poland, and compelled Stanislaus to abdicate his crown. While the young monarch was wavering between distracting objects of resentment and ambition, it was hoped, that the presence and address of the duke of Marlborough might be successfully employed for reconciling him to the interests of the allies. After consulting with the duke of Hanover, who was intimately acquainted with the temper of Charles, and had acquired an early ascendancy over his councils, Marlborough repaired to Rastadt where the king was<sup>31</sup>. He secured the influence of the Swedish ministers by the promise of pecuniary rewards. He had repeated interviews with Charles himself, and, by insinuating address and specious arguments, enforced by his two confidential ministers, he softened his resentment against the emperor, and confirmed his purpose of prosecuting hostilities against the Czar<sup>32</sup>. Having thus effectually discharged his duty as a statesman, the duke returned to the Hague, and after consulting with the deputies, assumed the command of the confederate army near Hall<sup>33</sup>.

A more uninteresting campaign does not occur in the annals of the German war. No battle, no stratagem, no incident of importance, to attract the attention, and gratify the curiosity of the reader.

came the obsequy of the emperor, gratified the pride of Charles, and prevented a rupture, which might have proved fatal to the confederacy. Tindal, vol. vii. p. 259.

<sup>31</sup> Hanoverian Papers, 1706, 1707.

<sup>32</sup> Lemieres. The following anecdote given by Voltaire, is a striking proof of the discernment and address of the duke of Marlborough. "Marlborough, who had learned from long experience the art of penetrating into characters, and discovering the connexion between thoughts, words, and gestures, fixed his eyes attentively upon Charles. When he spoke to his majesty of war, he perceived in him a natural aversion to France; and that he was pleased when he

"talked of the conquests of the allies. His grace then introduced the name of the czar, and observed, that the eyes of Charles kindled at the sound: he farther remarked, that a map of Muscovy was lying on the table. The duke wanted no more to be convinced, that the real object of the king's ambition, was dethroning the czar, as he had already done the king of Poland." Histoire du Charles XII. tom. i. p. 135.

<sup>33</sup> The confederate army consisted of ninety-seven battalions, and one hundred and sixty-four squadrons of horse and dragoons; that of the enemy, of one hundred and two battalions, and one hundred and sixty-eight squadrons. Lediard, vol. i. p. 472.

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CHAP. The duke of Marlborough hung upon the French with indefatigable perseverance, and followed them from camp to camp through Brabant to Tournay; but the vigilance, the precaution and celerity of the duke of Vendôme, eluded every scheme for bringing him to battle<sup>34</sup>.

Although the French had no fleet of remarkable strength at sea during the summer, yet the trade of England suffered exceedingly by the number of their privateers; and above twenty of the West India and fifteen of the Baltic ships were captured by monsieur Forbin, who commanded the Dunkirk Squadron<sup>35</sup>. The English navy sustained a severe blow by the wreck of four ships of war returning from Portugal, on the rocks to the west of Scilly. All the crews perished, and in that number the brave admiral, sir Claudsley Shovel<sup>36</sup>. The only success at sea, answerable to the expectation of the English, was that of captain Underdown, upon an expedition against the French fisheries in North America. Some of the frigates which protected the trade were taken, and the rest, together with the greatest number of the fishing boats, and stores of fish and train oil, amounting to a very considerable value, burnt and destroyed<sup>37</sup>.

After the conclusion of this campaign, an attempt was made by the court of England to prevail upon the republic of Venice to join the grand alliance. At the commencement of the war, the senate had resolved, with the approbation of the emperor and the French king, to maintain a strict neutrality. The armies of both were permitted to march through the Venetian territories, and to purchase provisions for ready money, upon the condition that they were not

<sup>34</sup> Lediard, vol. i. p. 491. The duke, after continuing two months at his camp at Meldert, afterwards passed the Dyle with the intention of attacking the enemy at their camp at Gemblours; but they, hearing of his being in motion, fled with precipitancy towards Fleurs. Military History of Marlborough, p. 316. Appendix, N° XIII.

<sup>35</sup> Lives of the Admirals, vol. iii. p. 168.  
<sup>36</sup> Id. p. 158. Sir Claudsley Shovel had raised himself from a low station, purely by merit; no man understood the affairs of the navy better, or was more beloved by the sailors: he had also the merit of never entering into any faction. MSS. Characters.

<sup>37</sup> Tindal, vol. vii. p. 303.

to

to use violence against the people, or to enter into any of the towns. It was, however, impossible to restrain the inhabitants from giving occasional assistance to the commanders as they passed, or the armies from committing depredations in the country, inconsistent with the engagements which had been entered into between the senate and the contending powers. This gave occasion to reciprocal complaints and remonstrances, and both the emperor and the French king were striving, sometimes by intrigues, and sometimes by threats, to induce the Venetians to take an open and decided part in their favour<sup>38</sup>. The Venetians were not without alarm from the ambition of Lewis, and probably wished the allies to succeed in reducing his power; but the imprudent violence of the emperor, in forcing the importation of provisions for his armies through the gulf of Venice, and bringing hostilities into their ports, so much provoked them, that they still stood aloof, and were determined not to interpose for his advantage<sup>39</sup>. In this situation the solicitation of England seemed to be the only expedient for inducing them to coalesce with the confederacy, and the importance of this object was earnestly urged by the duke of Marlborough<sup>40</sup>, whose advice was implicitly followed in every thing relative to the war. The earl of Manchester was accordingly appointed ambassador extraordinary to the republic of Venice, and left England early in 1707. After his departure the ministry received information of the emperor's design to reduce Naples, which occasioned instructions being sent to him to take Vienna in his way to Venice; and, in name of the queen of England, to use the most pressing instances to persuade the emperor to abandon, or at least to postpone a design, inconsistent with the project which the allies had formed of invading Provence. The carrying this into execution became more than ever important after the fatal battle of Almanza, as it seemed to be the only expedient to retrieve the affairs of king Charles, by obliging the French king to

<sup>38</sup> Cunningham, vol. i. p. 216.

<sup>39</sup> Id. p. 305. Earl of Manchester's Letter to Sunderland. Venice, 5th August; to Godolphin, September 1707. Cole.

<sup>40</sup> Letter of the Duke of Marlborough to the Duke of Shrewsbury. London, January 12th, 1704, &c. MSS.

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withdraw his troops from Spain. The earl arrived at Vienna in the beginning of April, and continued there till the end of May; and, together with the Dutch envoy, used both intreaties and threatenings to accomplish the object of his mission. He was sometimes flattered with hopes of success, but at length found, that neither a regard to honour, nor to his brother's cause, could move the resolution of the emperor, where any immediate prospect of advantage to himself interfered; and from this disappointment the allies had but too good reason to anticipate the fatal issue of the expedition against Toulon\*.

1st Sept. The earl of Manchester, after his arrival at Venice, proposed to the senate to take a part of their troops into the pay of England for assisting in the Italian war, and offered them conditions extremely favourable to the trade of the republic. After many debates upon this subject, his proposals were rejected by a majority; and it was determined to adhere rigidly to the neutrality which they had hitherto observed. The king of France, upon being informed of the earl of Manchester's design, had communicated to the Venetians his purpose of invading Scotland, with the hopes of bringing about a revolution in the English government; and the impression which this made upon the Venetians rendered them more backward to take any part in the alliance, which so materially depended upon the internal tranquillity of England.

The conduct of the Imperial court, while the earl of Manchester was negotiating with the Republic, affords a glaring example of selfishness and ingratitude. Although the accession of the Venetians to the confederacy would have been profitable to the emperor, more than to any of the allies; yet so jealous was he of its being obtained by the intercession of England, that he instructed his ambassadors, to intimate to the senate his great displeasure for their having presumed to treat with the queen of England, before they had consulted with him about the disposal of their troops\*\*.

\* Letters of the Earl of Manchester, Lord Sunderland, and Mr. Harley. MS. Sunderland. Venice, 21st October 1707, &c. Cole's Collection.

\*\* Letters of the Earl of Manchester to

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*Review of the State of Parties from the Accession of the Queen.—The Duke of Marlborough's Separation from the Tories.—Circumstances favourable to the Restoration of the Whigs.—Character of Mr. Harley—of Mr. St. John—of the Duke of Marlborough—of Lord Godolphin.—Increase of the Power of the Whigs during the Second Parliament.—Lord Halifax and Lord Somers support Ministry.—Their Characters.—Causes of the Decline of the Whig Interest.—Conduct and Character of the Dukes of Marlborough.—Intrigues of Mr. Harley, and Mrs. Masham.—Objections to the Measures of the Ministers.—The Queen alienated from them.—Wishes for Peace.—Mr. Harley's Influence increases—is suddenly overturned.—Views of the Court of St. Germain, and its Correspondents.—Affairs in Ireland.—First Session of Parliament there—Second—Third.*

THE struggles and fortunes of parties constitute an instructive and amusing branch of the history of every free state, and were singularly interesting during the reign of queen Anne. Having only adverted to this subject incidentally in the preceding pages, that I might not interrupt the narrative of public transactions, I shall now enter more minutely into a detail of the intrigues of the cabinet, and delineate the characters of the principal actors there, in order to convey to the reader a true idea of their political conduct and general merits. This discussion will afford an opportunity of contemplating the mighty influence of frivolous incidents and unsuspected causes, in regulating the great affairs of state, while it exhibits mortifying examples of the inconsistency of human character, and the meanness and weakness which are often blended with the most shining talents.

Although the earl of Marlborough had early enlisted with the Tories, yet he was too sagacious not to discern, at the commencement of this reign, the strongest reasons for breaking off his connexion

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nexion with that party, and restraining its influence in the cabinet. Nothing less than an absolute ascendant there could ensure the continuance of the war, and procure liberal grants necessary for carrying it on to such an extent, as corresponded with the ambitious projects which he had formed. The earl of Rochester, who aspired at the office of prime minister, explicitly disapproved of the English taking a leading part in the war; and though complaisance to the queen, and their recent condemnation of the partition treaty, restrained the tories from coinciding avowedly with his opinion, yet it was suspected, that they were not cordially favourable to continental politics'. If the influence of Marlborough over the mind of the queen had not alone been sufficient to disappoint the ambition of his rival, yet lord Rochester could not with propriety have been placed at the head of administration, when the tenor of public measures was repugnant to his declared opinion; nor intrusted with the management of the treasury, when it was to be expended in supporting measures which he had condemned. As the talents of lord Godolphin were well adapted to the management of the finances, so the interest of his family was now interwoven with that of the earl of Marlborough, to whom he became obsequiously devoted.

6th May,  
1702.

Lord Godolphin being appointed to the office of lord high treasurer, and the earl of Marlborough made commander of all the forces in the pay of England, it only remained, that they should exert their united interest, under the auspices of the sovereign, to reconcile the majority of parliament to their favourite measures. The courtly principles of the tories were but a slender security for their adherence to the ministers; and the ardour of their loyalty abated when they found that the queen was more slow and reluctant than they expected, in raising them to the exclusive possession of power. When the earl of Rochester was dismissed, they began to rally under the standard of opposition.

\* Other Side of the Question, p. 176—180. London, 1742.

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This crisis of affairs presented to the whigs an unexpected opportunity of emerging from that depression into which they had sunk at the beginning of the reign. Their principles led them to vindicate and support the grand alliance; and their situation, apparently desperate while they were without any interest at court, induced them to render their assistance to administration upon easier terms than their antagonists, who stood upon the high ground of royal patronage. The whigs were willing to serve in hope, to trust to the generosity of their employers for distant reward; and to spare them the disagreeable necessity of coming to a sudden rupture with such of their old friends as were disposed to support their measures; or of offending their mistress, by precipitating changes, and pushing preferments to which she was averse\*. With a prudent regard to these circumstances, the ruling members of the cabinet adjusted their arrangements, and extended their political influence. They began with selecting, as the objects of promotion, persons of ambiguous connexion, and such of the whigs as had acted with greater moderation than the rest of the party, and who, at the same time, enjoyed the good opinion of the public.

There was not any person whatever, who now appeared in the political circle, more fortunate in the possession of these qualifications than Mr. Harley, the speaker of the house of commons. He had been distinguished by his early and active zeal for the revolution: the detection of enormous corruption, brought home to some of the ministers in the preceding reign, was principally owing to his patriotic investigation: he was a zealous supporter of the bill for triennial parliaments: he had discovered great knowledge in the finances when he acted as a member of the committee for inspecting the public accounts; and by preparing a scheme to make good the

\* Conduct of the Dukes of Marlborough, passim.

† He joined the prince of Orange with a troop of horse raised at his own expence.

‡ He had been very active in the business of the orphans of the city of London, 1692, 3, and contended for the reduction of the Irish grants.

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deficiencies of the revenue, which had a seasonable effect in restoring public credit. But what above all raised Mr. Harley's merit, in the estimation of the whigs, was his zeal for the extension of the protef-tant settlement, and his proposing, at the same time, regulations of government, and limitations of prerogative, which, had they been obtained, would, in their opinion, have exalted the British constitution to the summit of perfection. When parties run high, few, who have appeared long in a public character, are so fortunate as to escape the reproach of versatility; but the friends of Mr. Harley asserted, that if ever he had left the whigs, it was only when they departed from their own constitutional ground, as in the case of their voting for the attainder of sir John Fennick, and of their opposition to disbanding the army<sup>5</sup>. In testimony of his distinguished merit he was chosen speaker of the house of commons in the two last parliaments of king William, and was again preferred to the same honour in the first of the queen; nor was there any person, who, on account of his moderation, experience in business, and discernment of characters, seemed better qualified for managing that assembly. The persons, who directed the councils of the queen, soon found a fair opportunity for assigning to him a high station in the ministry, in consequence of the voluntary resignation of the seals by the earl of Nottingham<sup>6</sup>.

16th May,  
1704.

<sup>5</sup> History of the last Ministry and Parliament.

<sup>6</sup> Tindal, vol. vi. p. 4. Mr. Harley's reputation did not keep pace with his preferment; nor did his merits as a minister answer the high expectations excited by the distinguished figure which he made in the earlier stages of his political career. The moderation which he affected, and the trimming which he practised under that pretext, flattered the hopes, and procured the good opinion of individuals and parties in opposite interests; but afterwards involved him in perplexity, when he obtained the reins of administration; and, as he was unable to gratify the demands of any, he became obnoxious to the resentment of every party.

Firmness, and promptitude of decision, are essential properties in the character of a prime minister; but the want of them is not so easily discovered in the candidate for that pre-eminence, while he remains in the subordinate departments of office. The dependents and under-actors in administration have little scope for deliberation, and are expected to pursue and defend the measures which their superiors suggest; but, from the moment a person is intrusted with the primary direction of affairs, his irresolution or incapacity for decision can no longer be concealed from his colleagues, and seldom fail to expose him to their contempt.

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Mr. St. John was appointed secretary at war, on the 20th of April 1704. The pregnant abilities of Mr. St. John had attracted the flattering attention of his tutors during the course of his academical studies. The quickness of his conception, and the wonderful strength of his memory, counterbalanced the great disadvantages which he lay under from extreme dissipation, and the unbridled pursuit of pleasure. His classical taste, his erudition and vivacity, procured him a high reputation in the literary world; and excited a general expectation of his making a shining figure in public life. Nor was this expectation disappointed. His clear and comprehensive views of business; the dignity and eloquence with which he acquitted himself in debate; the splendor and fluency of his expression, and the gracefulness of his manner, recommended him to the notice of every party as soon as he began his political career. Although different testimonies have been transmitted to us, with respect to the prejudices which he had imbibed in early life, both *high church* and *puritannical* zeal having tainted his immediate ancestors<sup>7</sup>, yet, as he had joined the Tories in arraigning the partition treaty, and had entered warmly into the defence of their favourite bill against occasional conformity, he was marked as one of their partisans. He had formed an intimate connection with Mr. Harley, and entertained a high admiration of the duke of Marlborough, which disposed him cordially to take a part in an administration in which they were united<sup>8</sup>.

The accomplishments of a courtier and statesman the duke of Marlborough possessed in a degree inferior to none of his contemporaries,

<sup>7</sup> His grandfather and grandmother were disciples of Dr. Burges, whose distinguished popularity among the Presbyterians, afterwards exposed him to the fury of the high church mob. Lord Bolingbroke himself acknowledges his early connexion with the dissenters; and, in a letter to Mr. Pope, mentions his having been condemned, when a boy at school, to read a folio volume of Dr. Man-

ton, a puritanical divine, who composed a hundred and nineteen sermons upon the hundred and nineteenth psalm. Letters to Mr. Pope, &c. p. 526. printed 1753.

Mr. St. John was chosen member for Wotton-Basset, in Wiltshire, in the year 1700, and continued to represent that burgh in three successive parliaments.

<sup>8</sup> Life of Bolingbroke, passim.

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raries, while his military talents raised him far above all rivalry and competition. The natural advantages of a fine figure and dignified mien, embellished with all the graces of the court, to which he was introduced at an early stage of life, before his more useful qualifications were discovered, made lord Churchill the first object of notice and admiration in every polite circle. While these exterior excellencies recommended him as the fittest person to be employed on business of compliment at foreign courts, his fascinating address, his political knowledge, and his acute penetration into characters, rendered him the most able and successful negotiator in the more weighty affairs of state.

The early proficiency of lord Churchill in every branch of warlike science, and his meritorious exploits in the station of a subaltern commander, had excited a general expectation of his ascending to distinguished superiority in the line of his profession. The history of ten eventful campaigns demonstrated, that nothing was expected from him which he did not perform; and that there was not a single accomplishment of a general, in which he did not excel. His comprehensive and various capacity was equally adapted to complicated and detached objects. In the several departments of plan and stratagem, and of enterprise and action, he was alike successful. The general arrangement of the campaign, and the dispositions which he made in the day of battle; his choice of ground, his composure and presence of mind in the heat of an engagement, his improvement of victory, and his ready expedients under bad fortune, for a defeat he never knew, were all evidences of such diversity of talents, and such a stupendous pitch of military genius, as never have been surpassed by those of the greatest commanders in ancient or modern times.

<sup>9</sup> Captain Churchill was distinguished among the English auxiliaries in the service of Holland 1672. His military skill and bravery attracted the notice of the marshal Turin, who predicted his future greatness. *Biographia Britannica. Life of Churchill.*

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The professional conduct of the duke of Marlborough exhibits the most favourable view of his virtue as well as of his genius. Among the various hostile operations which he directed, during so long a service, no example occurs of any propensity to wanton severity. He was a merciful and generous conqueror, and studied, more than any commander before his time, to reconcile the affections of vanquished states by kindness and lenity; and to mitigate the sufferings of his prisoners, by providing them with medicine, attendance, and every palliative of which their situation could admit. Thus far we admire and praise: but, as all human characters are imperfect, so it cannot be denied, that the admirable endowments, and good dispositions of the duke of Marlborough, were counterbalanced by a more than common alloy of meanness and depravity. Self-interest was his ruling passion, and when its object interfered, perverted his talents, and degraded his conduct.

His ingratitude to king James, political prejudices apart, will be condemned by every feeling and honourable heart. If he ever afterwards felt any kind inclinations towards the person or family of his unfortunate benefactor, they were quickly controlled by motives of party resentment, or personal aggrandizement; which, notwithstanding renewed professions of his attachment to them, rendered him the principal instrument of confirming their exile and degradation.

Although the abilities of lord Godolphin were not so brilliant and extensive as those of the general, yet they were far above the common level, and admirably adapted to the sphere in which he acted. His talent for distinct arrangement, his continued application to business, and his untainted integrity in office, rendered him the fittest person for superintending the treasury. He acquired great method and order in the management of that department, and by the regularity and exactness of his payments, he raised the public credit to a higher pitch than had ever been known before. Under his direction

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the œconomy of the exchequer was exceedingly improved; and he had so entirely gained the confidence of the monied men, that supply was never wanting for the execution of any project adopted for the service of government<sup>10</sup>.

From the behaviour of the tories to the duke of Marlborough in the first parliament of queen Anne, it appeared that they were divided between hope and fear, between courtesy and resentment. They were sometimes inclined to caress and cajole; but oftener to affront and disappoint him. While they acknowledged his services in the strongest expressions of gratitude, they obstructed and retarded those pecuniary rewards which the queen wished to confer upon him. They afterward encouraged inquiries tending to the crimination of his ministerial friends, and the injury of his own reputation. Thus the several questions, relative to the neglect of the war in Spain, the loss of the battle of Almanza, the miscarriage of the expedition on the Moselle, the deficiency of the allies in furnishing their quotas, and the beneficial stipulations granted to the Dutch, were evidently agitated with a view to disparage the plans of the ministers, and to expose their partiality to the interest of the duke of Marlborough. They embraced every opportunity of introducing rival heroes, to captivate and divide popular admiration. They put the success of sir George Rooke and the duke of Marlborough upon the same level; and magnified the exploits of the earl of Peterborough, for the purpose of detracting from the high fame of the envied commander. Such conduct, as might naturally have been expected, only stimulated his exertions for accomplishing the complete overthrow of the party which set its face against him<sup>11</sup>.

<sup>10</sup> Burnet, vol. ii. p. 831. vol. v. p. 870. Other side of the Question, p. 295. His deportment was rather solemn and forbidding, and he was difficult of access; but, as he was the same to all degrees, he did not lose in esteem by this. "He was a person of strict honour, and usually did more than he pro-

"mised." MSS. Character of Lord Godolphin. Letters from the Earl of Shaftesbury to Robert Moleworth. London 1721, passim.

<sup>11</sup> Journals Lords and Commons, passim. Letters on the History of England, vol. ii. p. 111, 112. Lond. 1780.

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After the dissolution of the first parliament, the whig interest advanced apace, and derived advantage from the very measures which were employed for its destruction. Sober, discerning men were alarmed by the headstrong and violent proceedings of the tories<sup>12</sup>. Their moderate friends forsook them; and hence the origin of what was called a *middle party*, composed of individuals who had arranged themselves under opposite standards, but who never had been engaged in the heat of the contest on either side<sup>13</sup>. Some of the whigs, however, still retained a jealousy of the duke of Marlborough and lord Godolphin; and though they did not oppose important questions relative to the war, yet they did not accept of employment, or wish to be considered as the tools of ministers who had acquired too great an ascendant in the councils of the sovereign<sup>14</sup>. This occasioned a distinction to be made between the *new* and the *old* whigs. Those who supported not only the measures, but the personal interests of the ministers, were called *new* whigs; and those who kept aloof from the tories, and generally voted with the ministers, though not associated with them in office or private consultation, were called the *old* whigs<sup>15</sup>.

In proportion as the whig interest was promoted by the ministers at home, it was favoured by the allies abroad. The merits of the duke of Marlborough, highly prized by them, must naturally have given them a bias to the party with which he was connected, without any respect to its principles, or its influence in the domestic policy of England. But when the tories introduced parliamentary inquiries into the conduct of the allies, and loaded them with censure for the purpose of obliquely subverting the reputation of the general, this naturally suggested to both the plan of a joint interest

<sup>12</sup> Supplement to the Faults on both Sides, p. 7. Lond. 1710.

<sup>13</sup> Cunningham, vol. i. p. 328.

<sup>14</sup> Lord Somers was the most distinguished person of this description. Mr. Edward Wortley, Mr. Hampden, sir Joseph Jekyl, and sir

Peter King observed the same conduct. Lord Coningsby, Mr. Craggs, Mr. Peyton, &c. were servilely obsequious to lord Godolphin. Cunningham, vol. i. p. 400—460, &c.

<sup>15</sup> Cunningham, vol. i. p. 462. History of the October Club, p. 12.

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and reciprocal defence. The ministers stood forth as the apologists for the allies, as often as their fidelity and honour were attacked, or any special concern of theirs was to be promoted; and the allies, in their turn, recompensed their defenders, not only by munificent presents, but by doing all they could to prop the whig ministry, and to encourage and strengthen its partisans<sup>16</sup>.

Independent of any hostility, either foreign or ministerial, the conduct of the Tories themselves was sufficient to account for the entire extinction of their interest with the court. The measures which they pursued, after they had lost their power, exhibited the most shameful inconsistency, and the arguments and expressions, adduced by them to enforce these measures, were a gross violation of that respect and tenderness, which were due to the dignity and sex of the sovereign. It is no wonder, that such treatment quenched every spark of affection for the party which she first favoured; and that she became less reserved in casting off such of the Tories as she had hitherto retained in her service. The earl of Rochester, the earl of Jersey, the earl of Nottingham, sir Edward Seymour, sir Nathan Wright, and sir Charles Hedges, all of them notable men of that party, were successively turned out of their places<sup>17</sup>.

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The whig interest became more popular and vigorous from being espoused by some persons of talents and experience, whose former services had obtained the public confidence, which was the more confirmed, because they did not now participate of the emoluments of the state. Of this description, none stood higher than lord Halifax and lord Somers. The merit of delivering the nation from an impending bankruptcy, and restoring the vigour of public credit in the late reign, was justly imputed to the laborious ingenuity of lord Halifax. He had also been the principal instrument of advancing the credit of the bank of England; and projecting the scheme of the new East India Company, which had materially contributed to the

<sup>16</sup> The effects of this association were still more conspicuous at the close of the war.

<sup>17</sup> Conduct of the Dukes of Marlborough, p. 145, &c. passim.

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relief of government at a time of extraordinary embarrassment and difficulty. Although he had been disgraced by the queen, and struck out of the list of privy counsellors, yet he never entered into wanton or indiscriminate opposition, or adopted that virulent spirit which now appeared in many who had been the first objects of royal favour, because they had not succeeded to the utmost of their expectation in profiting by that distinction. As lord Halifax's abilities as a statesman rendered his assistance an important acquisition to the party to which it was given, so his known zeal for the protestant settlement inspired its friends with a confidence in the present ministers, which they could not have obtained on the score of their personal merits or reputation<sup>18</sup>.

Lord Somers, who had lived in retirement at the beginning of this reign, now began to assist in the councils of administration. No person stood higher in the public opinion than he did for abilities, probity, and a steady adherence to the principles which he professed at his outset in public life. He had uniformly opposed the arbitrary measures of Charles and James. He was the principal instrument in persuading the commons to settle the crown upon king William. After the death of the duke of Gloucester, he projected the bill for extending the protestant settlement; and he never let slip any opportunity to strengthen and corroborate that deed. As a judge, he was distinguished for his gentleness, patience, and impartiality. None ever excelled him in discriminating and arranging the essential branches of a cause; in placing intricate points in a perspicuous light, and levelling them to ordinary comprehension. A clear understanding, and a profound knowledge of the history and laws of England, stamped a superior authority upon his opinions relative to affairs of state, which did not escape the discernment of king Wil-

1705, 6.

<sup>18</sup> He was a zealous patron of learned men; sir Isaac Newton, were all promoted under his administration. Addison, Prior, Locke, Steele, Congreve, and

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liam,

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1705, 6. In the second parliament of this reign, the whig interest carried all before it; and had spread so far, and struck so deep a root, that it seemed beyond the hazard of being overturned again during the life of the queen. Nothing, however, is more precarious than political power, and the very influence by which it has been nurtured and reared often proves the occasion of its subversion and ruin. This observation will be illustrated by a detail of the secret causes, which nearly destroyed the whig interest, when it had just reached the summit of prosperity; and which, though their operation was counteracted and suspended by unexpected incidents, again resumed their energy, and finally prevailed.

The conduct and demeanor of the duchess of Marlborough gradually alienated the confidence, and at length exasperated the spirit of her affectionate and bountiful mistress. There are few who have attained either such proficiency in self-denial, or such refinement of friendship, as to become indifferent to those ceremonial attentions, which are the customary appendages of high rank and authority. Nor, on the other hand, are there many who perfectly understand the proper seasons and boundaries of familiarity, or who know how

<sup>19</sup> Lord Somers published several political pamphlets in the early part of his life, which were distinguished by correctness of style, and perspicuity and force of argument. During his retirement at the end of the late, and the beginning of the present reign, he devoted himself entirely to study, and the gratification of that exquisite taste for polite literature and the fine arts with which he was eminently en-

dowed. He had the honour of being president of the royal society at a time when it was composed of some of the most illustrious geniuses that ever did honour to human nature. Walpole's Catalogue of Royal and Noble Authors. Moleworth's Letters. MSS. Letters of Lord Somers to the Duke of Shrewsbury.

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to attemper the habits of juvenile friendship with reserve and modesty, CHAP. XII. besitting the changes which have arisen from the lapse of time or incidents of fortune. In this undefinable, though important science, the duchess of Marlborough was singularly deficient. She did not consider that the affability of intercourse in which she had been indulged by her mistress, at a period when the heart is open and devoid of care and artifice, and which had been afterwards cherished by sympathetic disappointments and hopes, could not be continued with propriety, and without giving offence, at the age of gravity and business, within the walls of a court, and between the subject and the sovereign. Though the duchess shared in the exaltation of her mistress by the favours heaped upon her family, she was obstinately tenacious of the privileges of Mrs. Freeman; and expected to find, in a royal friend, the same undignified ease, unguarded frankness, and tolerance of contradiction and rebuke, which she had experienced in the condescending and affectionate Morley<sup>20</sup>. But impertinent familiarity, which flows from indiscretion or mere error of judgment, was not the sole or the principal cause of disgusting the queen, and undermining the influence of the favourite. By unexampled greediness of disposition and imperiousness of temper, the bounty of the friend was abused, the liberty of the mistress invaded, and the serenity of her domestic enjoyment disturbed. A profusion of kindness, which was rather an evidence of the weakness than the generosity of the queen, only served to inflame the avarice and multiply the demands of her rapacious dependent. Presents, honours, offices,

<sup>20</sup> "The princess grew uneasy to be treated by me with the form and ceremony due to her rank; nor could she bear from me the sound of words which implied distance and superiority. This made her one day propose to me, that whenever I should happen to be absent from her, we might in all our letters write by feigned names, such as would import nothing of distinction of rank between us; Morley and Freeman were the names her fancy hit upon, and she left me to chuse by which of them I would be called. My frank temper led me to pitch upon Freeman, and so the princess took the other; and from this time Mrs. Morley and Mrs. Freeman began to converse as equals, made so by affectionate friendship." Conduct of the Duchess of Marlborough, p. 14.

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were accumulated upon her and her husband, beyond any precedent of royal munificence<sup>21</sup>. The relations, the dependents, the favourites of the favourite, were preferred in every competition for the patronage of the sovereign. But when this did not suffice; when the duchess of Marlborough aimed at engrossing all the prerogatives of royalty, except the title; when she intermeddled in the disposal of every important office in the army, the navy, the treasury; and was angry because the queen reserved for herself the ecclesiastical appointments<sup>22</sup>, in which she was conscientiously interested; when the whole system of public measures was to bend to the counsels and interest of a junto; when the sovereign was not permitted to have any opinion or prejudice of her own; when terror was added to tyranny, and angry threats chastised every attempt to exercise her right and ascertain her independence; we need not wonder that indignation succeeded affection, and that the queen grew impatient for an opportunity of being liberated from a bondage, aggravated by

<sup>21</sup> *A Statement of the Offices and Emoluments enjoyed by the Duke of Marlborough.*

	Per Annum.	
Plenipotentiary to the States,	£. 7,000	Mistress of the robes, - - - £. 1,500
General for the English forces on Mr. How's establishment, - - -	5,000	Privy purse, - - - - - 1,500
General in Flanders upon Mr. Brydges's establishment, - - - - -	5,000	Groom of the stole, - - - - 3,000
Master of the ordnance, - - -	3,000	Pension out of the privy purse, - - 2,000
Travelling charges as master of the ordnance, - - - - -	1,825	
Colonel of the foot-guards, being twenty-four companies, - - -	2,000	
Pension, - - - - -	5,000	
From the United States as general of their forces, - - - - -	10,000	
From the foreign troops in English pay, sixpence per pound, - - -	15,000	
For keeping a table, - - - - -	1,000	
	£. 54,825	

*Officers, &c. of the Duchesse.*  
Keeper of the great and home parks, £. 1,500

The states-general, after the battle of Blenheim, presented the duke a bank bill of £. 50,000. The estate of Woodstock, the house of Blenheim, and pictures and jewels, of immense value, were presented to him and the duchess by the queen, and £. 5,000 was granted, by way of portion, to each of the duke's daughters. The presents which the duke received from the emperor, the king of Prussia, the elector of Hanover, and other courts, which cannot be so precisely calculated, amounted to an immense sum. Collins's *Peerage*, vol. i. p. 197.

<sup>22</sup> *Conduct of the Duchesse of Marlborough*, p. 174. *Memoirs of the Conduct of her late Majesty*, p. 17. Lond. 1715.

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the empty name and formality of power, and by a bitter sense of the ingratitude of the person who had forged her chains<sup>23</sup>.

Various circumstances had been gradually conspiring to accelerate the crisis, so ardently wished for by the sovereign. Mr. Harley was too conscious of the superiority of his own abilities, and had acquired too great a stock of independent reputation, to continue a subordinate member of any administration. It was his favourite maxim, that the name of party ought to be abolished, by selecting for the public service, indiscriminately, the wisest and most virtuous persons, whatever their political denominations or connexions might be<sup>24</sup>; a maxim, which, though it be founded on specious arguments, can only be construed as a doubtful test of the liberality and independence of the person who holds it, as it may be made subservient to private ambition, as often as to general utility. It has been insinuated, that Mr. Harley was not insensible to feelings more ignoble than those of ambition; and that the contempt and indignity, with which his assiduous civilities to the duchess of Marlborough were repaid, contributed, in no small degree, to his separation from the junto<sup>25</sup>, and to that marked animosity against the Marlborough family, which appeared in the future course of his political life<sup>26</sup>. From whatever cause it arose, there can be no doubt that, after the meeting of the second parliament, Mr. Harley began to cherish the idea of inde-

<sup>23</sup> *Other Side of the Question*, passim. *Memoirs of the Conduct of her late Majesty and her Ministers*, p. 16, &c. Pamphlets of the times.

<sup>24</sup> *Other Side of the Question*, p. 223. *Appendix*, No xv.

<sup>25</sup> Under the designation of the Junto, I refer to the duke of Marlborough, the earl of Godolphin, and their adherents in the cabinet, after the dismissal of the earl of Nottingham and the earl of Rochester. This name was first given to the whig lords, who opposed the measures of government for some time after the meeting of the second parliament of the

queen, because they suspected that the persons above mentioned were still addicted to tory principles. The rejection of the bill against occasional conformity, the measures pursued for securing the protestant succession, and at length the important transaction of the union, removed entirely the suspicion of the old whigs, who ever after acted in concert with the general and treasurer, both while they continued in power, and after they were deprived of it. *Conduct of Parties*, p. 8. 14. 1712.

<sup>26</sup> *Cunningham*, vol. i. p. 467. *Conduct of the Duchesse of Marlborough*, p. 191, &c.

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pendent influence, and to project a complete change of administration. Many circumstances concurred to operate against the interest of those who were now in place, and to flatter his expectations of success.

1706. He was no stranger to the uneasiness which the queen discovered under the abuse and tyranny of a domineering favourite; and he knew that she had grown weary of the war which upheld the authority of the present ministers<sup>27</sup>. The repeated defeats of the armies of the French king, and the exhausted state of his finances, afforded ground to hope, that overtures would soon be proposed by him, which, with the assistance of the moderate or middle party in both houses, might be made the basis of a general pacification<sup>28</sup>. This party had lately acquired strength and popularity from the result of several parliamentary discussions, nearly affecting the conduct of the ministers. From the inquiries which had been often introduced in parliament, with respect to the conduct of the allies, and the general management of affairs in Spain, it appeared that an unjustifiable preference had been given to the war in the Netherlands, redounding directly to the profit and fame of the general, and the benefit of the allies. The neglect of the fleet was a constant topic of complaint. The heavy losses, which the mercantile interest incurred by the capture of their ships, excited discontents; while feeble and abortive expeditions against the colonies of France and Spain afforded no balance of consolation, from any prospect of the future extension of trade. The exportation of specie for paying the English troops on the continent, from which no part of it returned, threatened a deficiency of cash at home, while the allies were enriched by its increasing circulation among them. These complaints, from being long and vehemently insisted upon, and greatly exaggerated, came at length to make a deep impression not only upon the body of the

<sup>27</sup> Memoirs of the Conduct of her late Majesty, passim.

<sup>28</sup> Tindal, vol. vii. p. 137.

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people, but upon dispassionate, reflecting persons, firmly attached to the welfare of their country<sup>29</sup>.

There are few examples of party men being so candid and generous as to distinguish between well founded and imaginary, or rational and popular objections to the conduct of their antagonists; or to decline the use of any weapon, though less fair and honourable, that may be successfully employed for the promotion of their own political superiority. The danger of the church we can hardly suppose to have been seriously apprehended by any person of sound understanding; but it was well adapted for inflaming the passions of those who were attached to the establishment, and therefore artfully called in as an auxiliary for demolishing the ministerial fabric which the favourite had erected<sup>30</sup>.

The enemies of administration were not without hopes of deriving strength from the disaffection and apostacy of individuals of that very party in whose support the ruling politicians confided<sup>31</sup>. Some of the whigs began to grow impatient for the recompence of their service; and many of them entertained doubts with respect to lord Godolphin's conversion to their principles. The act of security in Scotland, ascribed to his influence, was considered as an indirect and insidious measure for defeating the Hanoverian succession<sup>32</sup>. In order to remove every suspicion against himself, as well as to reclaim the revolted whigs, lord Godolphin was under the necessity of clearing the administration from every remnant of toryism<sup>33</sup>. Sir Charles Hedges was dismissed, and Lord Sunderland made secretary of state in his room; and the inferior offices of government were disposed of according to the same political discrimination. In the list of new promotions, however, there appeared the names of per-

<sup>29</sup> Life and History of Queen Anne, p. 250. p. 12. Lond. 1711.

Lond. 1749. Great Britain's Union. Somers's Collection, vol. xv. p. 105. <sup>32</sup> Id. Faults on both Sides, Somers, vol. xv. p. 307. Macpherson's State Papers, 1704—6.

<sup>30</sup> Secret History of the late Ministry, p. 4.

<sup>31</sup> Lond. 1715.

<sup>32</sup> Secret History of the October Club, p. 23, 24. Memoirs of Godolphin, p. 347.

Lond. 1714.

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sons who had been considered as unfriendly to the church, and the principal patrons of the dissenters in the preceding reign<sup>34</sup>, and hence the cry of the church being in danger broke out with renewed fury. Many of the lower order of the clergy made it the subject of their public discourses; and pamphlets were circulated to spread the inflammatory poison.

Events, which occurred within the walls of the palace, became every day more favourable to the party, which conspired to undermine the power of the junto. Prince George of Denmark, who had, during the first years of this reign, supported the influence of the favourites, mortified with a sense of his real insignificance, notwithstanding his nominal dignity and relative grandeur, sympathized with the feelings of his consort; and grew displeased with his colleagues, who superseded his authority, and prostituted it to the private interest of their ministerial friends<sup>35</sup>.

The queen, nurtured in all the bigotry of high church principles, was but too susceptible of the epidemical panic fostered by the party in opposition. She had warmly patronised the bill against occasional conformity; and though her zeal had cooled, on account of the personal indignities which she received from some of the Tories, the smallest spark was sufficient to rekindle it, and to alienate her confidence from ministers, who seemed averse or even indifferent to an interest which was so dear to her. It is but candid, at the same time, upon the testimony of those who had best access to know the genuine sentiments of the queen, to give her credit for motives of disgust with her ministers, more praise-worthy than those which proceeded from personal resentment or enthusiastic zeal. The joy, which she derived from the triumph of her arms, was far from being pure and untroubled. Illuminations, processions, and all the exterior and tumultuary demonstrations of popular joy and congratulation, formed a poor recompence for the grief with which she was afflicted,

<sup>34</sup> Cunningham, vol. i. p. 351.<sup>35</sup> Tindal, vol. vii. p. 322.

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on account of the profusion of the blood of her subjects, and the havock of the human species, which were the price of every victory. Under these impressions, she ardently wished for a peace, to which the inclinations of her ministers were far from being favourable<sup>36</sup>.

From the several causes now mentioned, the sovereign, as well as a numerous and respectable body of her subjects, were in their hearts ill affected to that combination which had so long ruled in the cabinet. But the inclinations of the sovereign, who was naturally timorous and reserved, might long have remained smothered within her own bosom, if domestic occurrences had not presented an opportunity of making them known, and of concerting measures for breaking the yoke with which she was galled.

The duchess of Marlborough, from that jealousy which is naturally inspired by the consciousness of abused indulgence and perverted power, was careful to exclude, from access to her mistress, every person whom she had not pre-engaged in her own interest by the ties of gratitude, or the hopes of reward. Mrs. Abigail Hill, so much celebrated for her intrigues in the cabinet, was considered, on account of near affinity and obligations to the duchess, to be immutably devoted to her interest. The mother of this lady, reduced to straitened circumstances, had made application for the patronage of the duchess of Marlborough, who was her cousin, and who not only relieved her immediate wants by pecuniary supplies out of her own purse, but, by interesting the princess Anne and the duke of Marlborough in her behalf, placed her four children, two sons and two daughters, in easy and independent circumstances. Mrs. Abigail, the eldest of the daughters, was taken under her grace's own immediate protection; and afterwards established in the station of a bed-chamber, or dressing maid, in the service of the princess Anne<sup>37</sup>. The dispositions of this young lady, very unlike her own, were well

<sup>36</sup> Memoirs of the Conduct of her late Majesty and her Ministers, p. 9. 12. 14. 27.<sup>37</sup> Conduct of the Duchess of Marlborough, 177, &c.

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fitted to do credit to the recommendation of her patroness, and at the same time to ensure her acquiescence and fidelity in the station of a dependent. She was modest, unassuming, lively, and discerning<sup>38</sup>. The demeanor of Mrs. Hill every day gained upon the affection of the queen, and at length obtained the confidence of her heart. In the meekness and humbleness of her disposition, her majesty found a retreat from the perturbation, to which she was exposed from the insolence and rudeness of an ungrateful servant. Mr. Harley was the cousin of the young lady's father, but had overlooked his relations during their depressed fortune<sup>39</sup>. Having frequent access to the queen upon the business of his office, he occasionally met with Mrs. Hill, and was not backward now in recognising her as his cousin. She had at this time begun to lose ground in the good opinion and favour of her early patroness, having deviated from that respect to which the latter thought herself entitled, by giving her hand to Mr. Masham secretly, and without the consent of the duchess. Reciprocal interest and feelings suggested, to the secretary and the new minion, the idea of making a common cause, and uniting their efforts for overturning the interest of the duke of Marlborough and the earl of Godolphin<sup>40</sup>. Mrs. Masham had daily opportunities of infusing into the royal breast favourable impressions of Mr. Harley, and of introducing him privately into her presence. The fruits of these impressions and good offices, she expected to im-

<sup>38</sup> Somers, vol. ii. p. 310. Other Side of the Question, p. 304.

<sup>39</sup> Conduct of the Duchess of Marlborough, p. 178.

<sup>40</sup> Idem. The author of the Transactions during the Reign of Queen Anne represents the duke of Hamilton as the original mover and adviser of all that now passed in the cabinet. "He made offer of his services to the queen, through Mrs. Masham, for extricating her from the bondage in which she was held by the junto: he advised her to turn out lord Godolphin, and recommended Mr.

"Harley as his successor: he obtained the queen's confidence, and frequent and long were the private audiences, to which he was admitted to the evident disquietude of the ministerial junto." P. 53. 70. 96. The name of the duke of Hamilton, so far as I have found, does not once occur in any of the histories of the cabinet politics at this period; and it seems strange, that the duchess of Marlborough, who was so penetrating and vigilant, did not detect his interposition, or even entertain the smallest suspicion of it.

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prove for promoting the ambitious hopes which she now cherished of becoming the prime favourite of her royal mistress, instead of continuing a servile dependent upon her relation; and, what was still more desirable than personal aggrandizement, of having it in her power to reward the person who was the object of her affection with distinguished honour. The success of the plan answered the wishes of its projectors. Mr. Harley was often admitted, clandestinely, to converse with the queen<sup>41</sup>. She was pleased with the facetiousness of his manners, entertained a high respect for his political opinions, and was well disposed to prefer him to ministerial confidence, as soon as she could find the opportunity of pursuing her own inclination.

Mr. Harley was happy to discover, that the sentiments of the sovereign coincided with his own; and that, above all things, peace was the ardent desire of her heart, as essential to her own freedom, and the public welfare. From the signal merits and success of the duke of Marlborough, which so well entitled him to the supreme command in the army, it was not likely that any change of ministry could be effected during the continuance of the war, which rendered his friends less disposed to listen to the offers of peace made by the French king<sup>42</sup>. 1706, 7.

Mr. Harley, though he still professed great deference for the general and the treasurer, exerted his utmost address in courting those men who had credit for moderation both among the Whigs and the Tories<sup>43</sup>. There were many, at this time, well disposed to rally

<sup>41</sup> These private intrigues were first discovered by the imprudent inattention of prince George, and the forward vanity of the new favourite. The queen laboured under an indisposition from a defluxion in her eyes, which happened to be mentioned in the house of lords, upon which, the prince said inadvertently, "that she would soon be free from that malady if she did not sit up too late at nights." This occasioned much inquiry, and led to the important discovery of the queen's conversing

with a privy counsellor without leave. Life of Bolingbroke, p. 117.

Mrs. Masham could not restrain herself from dropping some hints of the favour and consequence to which she had attained. When sitting for her picture to sir Godfrey Kneller, she said to him, "that her majesty could trust nobody about her." Oldmixon, vol. ii. p. 428.

<sup>42</sup> History of the late Ministry, p. 255.

<sup>43</sup> Conduct of the Duchess of Marlborough, p. 191. 193.

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under the standard of a new political leader. The accomplishment of a peace was the meritorious bond of their union, and had the full approbation of the sovereign<sup>44</sup>. The illustrious success of the duke of Marlborough, in the campaign 1706, raised new obstacles to all their endeavours, and brought about such measures in the succeeding session of parliament, as were calculated to prolong the war, and confirm the power of the existing administration<sup>45</sup>. Not trusting altogether to the effects of parliamentary resolutions, they judged it necessary to augment their official strength, and to call forth the full exertion of the Whig interest<sup>46</sup>. In prosecution of this design, the dismissal of Sir Charles Hedges, secretary of state, and the appointment of the earl of Sunderland to that office, were proposed to the queen, and occasioned the first open struggle between Mr. Harley and the duke of Marlborough, or between that party in the administration, which advised the queen to peace, and that which was bent on the continuance of the war. The queen was extremely averse to the dismissal of Sir Charles Hedges, but the importunity and threats of the faction, whose services were deemed indispensable in the present state of public affairs, constrained her to comply with their arrangement<sup>47</sup>. But though the influence of Mr. Harley and his friends was thus ostensibly baffled, it was not suppressed; and many circumstances concurred to accelerate the crisis for the manifestation of its superiority and triumph.

3d Dec.  
1706.

<sup>44</sup> Other Side of the Question, p. 398. The part which Mr. Harley was now acting, exhibits a scene of dissimulation and duplicity, for which neither his sympathy with the sovereign, nor the unjustifiable conduct of the junto to her, nor the goodness of the end which he had in view, supposing that to be admitted, can afford any apology. He not only maintained the external profession of respect for the duke of Marlborough and Lord Godolphin; but continued, in his private correspondence, to give them the most solemn assurances of his affectionate attachment to their persons, while he was using every art to undermine their influence with the queen.

Appendix, Nos. XIV. XV. XVI. XVII. XVIII. XIX. XX. XXI.

<sup>45</sup> Journals, Lords and Commons, September, December 1707, January 1708, passim.

<sup>46</sup> Tindal, vol. vii. p. 188.

<sup>47</sup> Conduct of the Dukes of Marlborough, p. 160. If we may believe the dukes of Marlborough, the duke and the earl of Godolphin did not approve of Lord Sunderland's promotion, but were pressed by the Whigs to urge it. Conduct of the Dukes of Marlborough, p. 161. It is difficult to believe that the duke was sincere in opposing the preferment of his own son-in-law, especially as his lady was for it.

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The disgust of the queen at the dukes of Marlborough was still farther increased by the keen part the latter had taken in the late contest in the cabinet, relating to the dismissal of Sir Charles Hedges. Conscious of having forfeited all pretensions to the confidence of her mistress, she had recourse to menaces and recriminations, to deter her from yielding to the strong impulse of her own judgment and affections<sup>48</sup>.

The campaign 1707, after expectation had been wound up to the highest pitch, having proved unfortunate for the allies, and, by adding nothing to the glory of the duke of Marlborough, detracted from his influence and popularity, and brought upon him the reproach of sober and reflecting men, for having let slip an opportunity of making peace upon more honourable terms, than were likely to be obtained by the prolongation of the war.

The animosity of parties became now so sharp and impetuous, that it was evident no reconciliation could take place between them; and, from the circumstances already mentioned, the Tories would certainly have prevailed, if an extraordinary event had not occurred, which undeservedly brought disgrace upon Mr. Harley, and added new strength and security to his antagonists.

To invalidate the forcible arguments for peace, which were every day gaining ground, endeavours were used to bring suspicions upon the party who were friendly to it, by giving them the odious appellation of the *French faction*; and insinuating that some of them held a correspondence with the court of St. Germain<sup>49</sup>. The rumour of

<sup>48</sup> Conduct of the Dukes of Marlborough, p. 165.

<sup>49</sup> Oldmixon, passim. The want of candour in partisans is at all times remarkable, but never was more so than in this reign. The two great parties, Whigs and Tories, were nearly equal, and alternately triumphed. The minor parties were the Jacobites, including the Roman Catholics; and the Republicans. The former, in every great struggle, supported the Tories; and the latter, namely the Republicans, supported the Whigs. Hence the great

parties came reciprocally to asperse each other, with the odious name of the minor, or subaltern one, adventitiously attached to it.

The subdivisions of parties were almost innumerable; there were State Whigs and Church Whigs, State Tories and Church Tories, King William's Tories and King James's Tories; Court Whigs and Country Whigs, King William's Churchmen and King James's Churchmen. Dangers of Europe, p. 21. London, 1702.

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11th Feb.  
1708.

Neither the measures of administration, nor the public conduct of either party, recited in the preceding chapters, exhibit any symptoms of favour to the exiled prince. On the contrary, almost in every session of parliament, something was done, which, by immediate or remote consequence, promoted the security of the protestant succession, and the interest of the house of Hanover. Hence the intrigues of the Pretender, like a prohibited or contraband trade, were

<sup>50</sup> Journals Lords, 18th March 1708. It appeared upon his examination, that Gregg had sent different letters to Monsieur Chamillard, informing him of the proceedings of parliament relating to the augmentation of our troops; and that he had inclosed a copy of a letter from the queen to the emperor, &c.

<sup>51</sup> Tindal, vol. vii. p. 371. Cunningham, vol. ii. p. 133. Mr. Henry St. John, secretary at war; sir Thomas Mansel, comptroller of the household; and sir Simon Harcourt, attorney-

general, who had come in with Mr. Harley, laid down their respective employments upon his dismissal. Mr. Walpole, whose political life afterwards became so interesting, was now introduced into office by being appointed Mr. St. John's successor.

Mr. Henry Boyle was made a member of the privy council, and appointed one of her majesty's principal secretaries of state in room of Mr. Harley.

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CHAP. XII. carried on in a clandestine manner, and with great risk and danger to the persons engaged in them. But neither from this circumstance are we free to conclude, that professions of friendship made to him were more sincere and more to be trusted, than those which were made to the heirs destined by the act of settlement. Considering the natural pretensions of the exiled prince to the crown, his affinity to the reigning sovereign, the variableness of factions, and the contingency of all political schemes, his friends had no reason to look upon his cause as desperate; nor is it to be supposed, that those who were guided solely by interest could be indifferent as to the opinion entertained at the court of St. Germain's concerning their private sentiments and attachments. Agreeably to this observation, we ought to be scrupulous about admitting, promiscuously, the most solemn professions of friendship to either of the rival families, and far less verbal declarations, repeated at second hand, as authentic documents of the true principles and wishes of the persons to whom they are ascribed. The real state of what may be called clandestine politics, which has been brought to light by late publications, is a subject of considerable interest, not only because it gratifies curiosity, but because it materially conduces to a just appreciation of characters, and the explanation of public transactions which fall within the period of this history.

From the general substance of the Stuart papers, coincident with the period already treated of, it appears, that the court of St. Germain's did not entertain confident expectations of placing the prince on the throne of England, during the life of his sister, and that their intrigues were principally intended for securing to him the succession at her death. For this purpose, the agents of James were instructed to keep alive the hopes of his friends by assurances of his unshaken and grateful attachment to them; of his firm and resolute purpose to maintain his right; and to represent, in the strongest view, all those circumstances arising from the state of domestic and foreign affairs, which seemed favourable to his ultimate success. Great pains were

were taken to inculcate general impressions of the goodness of his dispositions, of the soundness of his political principles, and particularly of his veneration for the British constitution<sup>52</sup>.

The names of the duke of Marlborough and of lord Godolphin frequently occur in the memorials drawn up at the court of St. Germain, and in the letters written by its agents to their English friends. The good offices of those noblemen are sometimes supposed or taken for granted from the obligation of their repeated promises and declarations, but more frequently doubts are expressed concerning their fidelity and affection. No letter from the duke of Marlborough or lord Godolphin is inserted in the collection of the Stuart papers hitherto published; nor indeed is there the most distant reference to any letter or paper transmitted to St. Germain in their name, or to any voluntary declaration or promise of friendship made by them within the period already illustrated<sup>53</sup>.

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<sup>52</sup> Macpherson's State Papers, 1702, 3, &c. passim. The strongest assurances were given of the resolution of the exiled prince to govern strictly according to law if he should have the good fortune to return to England; and, though no hope is suggested of his renouncing the Roman Catholic faith, yet he solemnly pledges himself to consent to every provision for the safety of the established church, with the laudable exception of abstaining from the persecution of any sect.

<sup>53</sup> The author of the Transactions during the Reign of Queen Anne, refers (p. 59) to a letter from lord Godolphin to the court of St. Germain, re-assuring them of his undiminished attachment to their cause; and to another from the duke of Marlborough, "in which he renewed his hypocritical professions of zeal for the Pretender: he had even the barefacedness to attribute the rejection of the proposal for peace, lately made by the French king, to their not comprehending any stipulation in that prince's behalf." Mr. Hamilton does not mention the date of these letters.

I am informed by principal Gordon of the

Scotch college, Paris, who has had the opportunity of inquiring minutely about this subject, that the duke of Marlborough never wrote a single letter to St. Germain in his own hand, except one. They were all signed by him, but sent back, after copies of them were made out.

From the general strain of the Stuart papers, it appears that the duke of Marlborough and the earl of Godolphin had become exceedingly cautious and reserved in expressing their attachment to the exiled family; and that the latter especially conducted himself with a shyness and mystery, which almost extinguished every hope of his future good offices. See Extracts from Lord Caryll's Letters, February, March, and April 1703; from the same, May 1704, October, November 1705, and March, &c. 1705.

It was considered as an unfavourable symptom of lord Godolphin's disposition, that he had not employed his official influence as far as he might have done, consistently with his own safety, for procuring the arrears of the queen's jointure. Idem.

The inveterate hostility of the duchess of Marlborough

The conduct of the duke of Marlborough and lord Godolphin, with respect to the court of St. Germain, will not be admitted by such as have impartially inquired into it, either as any true criterion of their principles or attachments. They certainly had a bias for the abdicated family; but their own interest was the compass by which they uniformly steered their political course. Like the mariner, who launches into the ocean without any precise destination, determined to enter whatever port he can make with the fairest prospect of gain, they meant to reserve themselves entirely for political casualties, not more certain, than the variable elements which retard or accelerate the progress of the mariner, and finally blast or promote his hopes. In their intercourse with the friends of the unfortunate prince, they were cautious not to furnish any grounds for future resentment or exclusion against themselves; they said as much as might have been interpreted an evidence of the constancy of their attachment, provided it could be connected with actual services, which the crisis of events might afterwards render it their interest to perform.

The influence, and endeavours of the agents of James in England, were directed to forward such measures as appeared most favourable to the interest of that party, which they believed to be best affected to him, and to thwart such as tended to strengthen the friends

Marlborough to the family of Stuart is mentioned as destructive of all hopes of assistance from her husband, though his inclinations had been more favourable than they really were. Caryll's Letters, April, May, &c. 1705. For these reasons, as well as from former experience, the agents of James express a distrust in the friendship of Marlborough and Godolphin (Id. August, October, December 1702, April, &c. 1704 and 1705); and they found their conclusions upon this striking fact, that they were the authors of those very measures which militated against the succession of the prince upon the event of the queen's death; and that they possessed the power, if they

really had the inclination of restoring him. Id. November, &c. 1706, February, &c. 1707.

We find an extract from Carte's Memorandum book, containing an anecdote of lord Godolphin's having expressed to the earl of Arran his sincere friendship for the king, and his being turned out before he had restored him. Carte was a man of a violent temper, credulous and sanguine; and his anecdotes, as I have been told by principal Gordon, are not generally credited by the friends of the house of Stuart. See also Biographia Britannica, article Carte.

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of the house of Hanover, and to increase the securities for its succession<sup>54</sup>. These agents expressed great satisfaction in the predominant power of the tories at the commencement of this reign, as if it had been propitious to their hopes: they entered with anxious solicitude into the attempts for prolonging the period of taking the oath of abjuration, and promoting the bill against occasional conformity; and were deeply mortified by the miscarriage of these measures<sup>55</sup>. Their most vigorous exertions were employed for promoting the act of security in Scotland, and preventing the union<sup>56</sup>.

The act of settlement alone, not only went far to ensure the succession of the house of Hanover, but gave such a turn to the stream of public measures and party intrigues, as contributed to the progressive accumulation of its securities. The tories, conscious of the ill impressions, with respect to their principles, which had obtained at the court of Hanover, and lying under the constant suspicion of the people at home, strove to outdo the whigs, not only by the ostentation of zeal, but by the promotion of efficient measures for fencing the protestant succession. The suspicion of a conspiracy in Scotland rendered the friends of the pretender more timid and reserved; stifled the affection of the queen, and probably prevented her connivance at clandestine measures and intrigues for paving the way to the succession of her brother<sup>57</sup>.

The war gave occasion to frequent interviews and communications between the electoral court and the duke of Marlborough, which produced reciprocal declarations of esteem and friendship; and, together with the turn of domestic politics, opened to him and his friends the most certain prospects of advantage from their steady adherence to that interest which they professedly espoused<sup>58</sup>.

<sup>54</sup> Stuart's Papers, 1704.<sup>55</sup> The friends of the house of Hanover entertained the same opinion of these measures, and were as anxious to prevent them, as the agents of James were to promote them. Ha-

noverian Papers, passim.

<sup>56</sup> Stuart's Papers, 1707.<sup>57</sup> Id. 1703, 4.<sup>58</sup> Hanoverian Papers, 1704, 5, 6.

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The affairs of Ireland, during the early period of this reign, afford the historian no variety of interesting materials. While a spirit of insurrection was fomented among the Roman catholics, by the extreme jealousy and rigour of the government, the protestants were far from being prosperous or contented with their civil condition. The restrictions imposed upon trade, and the non-residence of the most wealthy proprietors, occasioned a general languor in manufactures, and increased the number and hardships of the poor. The frauds and oppressions, committed by the trustees on the forfeited estates, invaded the property, and soured the dispositions of some of the firmest friends to the protestant interest. The inquiries concerning the characters of landholders, and the titles by which they held their estates, were conducted with an invidious scrutiny, which exposed many loyal subjects to the vexation of dilatory and expensive litigation<sup>59</sup>. The benefit of the most lucrative purchases was engrossed by corporations and private persons in England, who returned no part of their profits to the country from which they were drawn<sup>60</sup>.

In this situation, Ireland might have proved an alluring scene for the intrigues of the court of St. Germain's, if a dread of being overpowered by the Roman catholics had not kept the protestants in continual awe; and made them cling to the sister kingdom as the only source of protection. Hence they maintained the firm language of loyalty, and imputed their grievances to the mal-administration of deputies, rather than to any ill intention of the court and ministers. Their complaints were therefore pointed solely against the former, who, in their turn, recriminated and represented the freeholders as backward to co-operate in the detection of guilt, and even as beginning to cherish thoughts of independence on England<sup>61</sup>. Conformable to the general dispositions of the freeholders

<sup>59</sup> See Representation of the Commons, Anne, p. 96.  
20th October 1703.<sup>61</sup> Tindal, vol. v. p. 288.<sup>60</sup> History of the Life and Reign of Queen

N n 2

were



CHAP. XII. were the measures pursued by their representatives in the three sessions of parliament, which met at distant intervals within the period I have surveyed.

1703. In the first session, which opened under the lieutenancy of the duke of Ormond, on the 21st Sept. 1703, the commons unanimously made choice of Allan Broderick, her majesty's solicitor general, to be their speaker, and addressed the queen, and the lord lieutenant, in the warmest expressions of loyalty; but complained of those misrepresentations of the conduct of the freeholders, which had been transmitted to the court of London. They disavowed all thoughts and desire of independence, and in the most explicit terms acknowledged the crown of Ireland to be annexed to that of England. While they declared their abhorrence of the proceedings of the trustees on the forfeited estates, they guarded against any reflections disrespectful to the authority under which they acted<sup>62</sup>. The commons formed resolutions in the spirit of their address, and censured some of their own members for having been accessory to the calumnies of which they complained<sup>63</sup>. They cheerfully granted the supplies necessary for defraying the expences of the establishment, and acquitted themselves with fidelity to their constituents, by objecting to some erroneous statements of public accounts; and by cutting off unmerited and extravagant pensions, which saved the nation above a hundred thousand pounds per annum<sup>64</sup>. They followed the steps of the English parliament for securing the protestant

<sup>62</sup> Journals of the House of Commons of Ireland, 25th, 29th September.

<sup>63</sup> Id. 26th October, 2d November. Mr. Francis Annesly one of the members, who came under this censure, was expelled the house; Mr. Trenchard fled to England; Mr. Hamilton died before the meeting of the session.

<sup>64</sup> Id. 30th September 12th, 14th, 19th, 22d, 25th October, 10th November. They voted a supply of a hundred and fifty thousand pounds per annum for two years from Mi-

chaelmas 1703. A tax of four shillings per pound was laid on all such pensions and grants as had been found an unnecessary charge to the revenue. They presented an address to the lord-lieutenant, complaining of the mischiefs under which the kingdom laboured by the absence of judges, commissioners of the revenue, and others holding offices which required personal attendance, praying that all such in future might be required to attend upon their duty or removed.

succession;

CHAP. XII. succession; and brought in bills for extending the oath of abjuration, and making it high treason to impeach the succession, as limited by former acts of parliament. The ruling spirit of both houses was conspicuously manifested by the tenor of their proceedings against the Roman catholics. A bill passed in the upper house for preventing popish priests coming into the kingdom, and readily obtained the approbation of the commons. But not thinking this sufficient, the latter brought in a bill to prevent the growth of popery, which, in the certainty of its execution and the severity of its effects, exceeded that of England in the year 1700; and to attest the ardour of their zeal, after it had been passed by the lords, the whole house attended the presentation of it to the lord lieutenant<sup>65</sup>. To justify the severity of this act, a petition was presented to the lord mayor and citizens of Limerick, complaining of the injuries which they sustained from the number of the Roman catholics there; and it was at the same time represented from different parts of the country, that a correspondence was carried on between the Roman catholics and the pretender, to the great danger of the protestant settlement. A prosecution was instituted by the commons against the publisher of the memoirs of the late chevalier, which had contributed to inflame the enthusiasm, and animate the hopes of the disaffected. The sudden adjournment of the parliament interrupted the career of their anti-catholic zeal; and excited a suspicion that it did not meet with the approbation of the lord lieutenant.

The English ministry, from motives of policy as well as justice, were unwilling to furnish their Roman catholic allies, at this time,

<sup>65</sup> In order more effectually to prevent the children of Roman catholics being sent abroad and educated in the Roman catholic religion, agreeably to a former act of the seventh of king William, it was to be enacted, that, upon the supposition of any child being sent abroad, any of the judges of her majesty's courts, or any two justices of the peace, should be empowered to require the parents or guardians to produce the said child within the space of two months; and, that if this was not done, they should be deemed convicted, and incur all the penalties prescribed by the former act. Severe penalties were to be inflicted upon protestants who married papists; and that no Roman catholic family of fortune might remain, it was to be also provided, that all estates should be equally divided among the children of papists. Journals Commons, 19th November.

with

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with any ground for complaining of their severity to that sect, which might have provoked a retaliation upon the foreign protestants. That they might defeat the bill which had been presented to the lord lieutenant, without appearing to the Irish protestants to have slackened in their zeal against popery, a clause was inserted by the council, requiring all persons in office in Ireland to take the sacrament according to the test act passed in England. The ministers expected, that the bill would have been rejected with this qualification, for the sake of the protestant dissenters, for whom the commons had of late professed great charity and kindness. But antipathy to the Roman catholics prevailed, and the bill took place contrary to the wishes of the ministry<sup>66</sup>.

23d Feb.  
1704.

The parliament was prorogued on the 4th of March to the 25th of Sept. 1704.

1685.

Although, from local situation, the attention of the Irish freeholders was principally occupied about the Roman catholics, yet from the connexion many of them had with England, it was hardly to be expected that they could escape some tincture of the party spirit which raged there. The earl of Clarendon, himself a keen partisan, had, during his administration, introduced the distinction between whig and tory, till then unknown in Ireland. As he seldom resided in that country, and as his government was unpopular, he made small progress in his scheme of subdividing parties; and *protestant* and *whig* continued to be understood as synonymous terms. There were, however, several clergymen of high church and tory principles, who had been promoted to benefices under the patronage of the earl of Clarendon, and afterwards under that of his brother, the earl of Rochester; and the removal and disgrace of the latter rendered them readily disposed, when an opportunity should

<sup>66</sup> Tindal, vol. v. p. 302. Several bills were brought in for the improvement of the country, encouraging manufactures, and extending the trade of Ireland; but meeting with no encouragement from the ministry,

were suppressed. An act passed for naturalizing protestant strangers, and another for reducing the interest of money to eight per cent. Journals Commons, passim.

occur,

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occur, to pursue that factious conduct which was exemplified by many of their brethren in England<sup>67</sup>.

The proceedings of the next session of the Irish parliament, which was opened by the duke of Ormond, on the 10th of February 1705, entirely corresponded with the views and wishes of the English ministry. The commons congratulated her majesty upon the success of her arms under the duke of Marlborough; and declared their firm resolution, should any difference arise between England and Scotland, to adhere to the former, and to maintain the succession in the protestant line, against all who attempted to disunite the two kingdoms. An ample supply was voted for supporting the necessary branches of the establishment for two years, commencing the 29th September 1705, and ending the 29th September 1707.

6th March.  
£. 250,000.

A bill, which originated with the commons, for the improvement of hempen and flaxen manufactures, afforded to the high church clergy the opportunity they wished for, of discovering a congenial spirit with those of the same party in England. The convocation, without permission previously asked, presented a memorial to the commons, remonstrating against the limitations of their tithes, which was one of the objects of the new bill; and desired that it might not pass till the reasons they had to offer against it were heard. The lower house, considering this as an attack upon their legislative authority, resolved, that they were the only representatives of all the commons in Ireland, intrusted with the civil rights of the clergy as well as laity; and that no person or body of men had a title to be heard against any bill, but after leave obtained by petition<sup>68</sup>. The memorialists not meeting, at this time, with countenance from any of the laity of rank and influence, abandoned a dispute which might have proved hurtful to their characters and interest. They formally disavowed any intention of invading the rights of the house of commons; and pleaded their want of experience, from the long suspension of con-

1705.

16th and 19th  
March.

<sup>67</sup> Tindal, vol. v. p. 282, 3.

<sup>68</sup> Journals Commons, 12th March.

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vocations, as an apology for the improper method of making their application in an affair that so nearly concerned the rights of the church. This submission, on the part of the clergy, seems to have arisen from their being overawed by the ministerial authority, rather than from any renunciation of those principles which had originally betrayed them into the contest. For, while the house of commons were using their endeavours to mitigate the grievances of the protestant dissenters, and to unite all the different protestant sects in one interest, the clergy of the above description were doing all they could to counteract that meritorious design, both in their collective and private capacity. This conduct induced the commons to enter into such resolutions as were expressive of their displeasure, and their apprehensions of the dangerous consequences of promoting any jealousy or misunderstanding among the protestants, while they testified at the same time their zeal for the peculiar honour and interest of the established church<sup>69</sup>.

On the 15th of June, the parliament was prorogued to the 30th; and afterwards from time to time, to the 1st of July 1707.

The decided superiority of the whigs in England, together with the prudent attention of administration, checked the progress of toryism, and overawed the efforts of its ecclesiastical champions in Ireland. We hear nothing of the interference of the convocation during the next session of parliament, which was opened by the earl of Pembroke, as lord lieutenant; and both houses proceeded without interruption in that course of business, which was suggested by their present feelings, and by motives of public interest.

7th July,  
1707.

<sup>69</sup> Journals Commons, 25th May, 1st June. Tindal, vol. vi. p. 166. The extreme oppression and misery, endured by the Irish, cannot be represented in stronger colours than by the bare detail of facts which appear in the journals of parliament. Multiplied instances occurred almost every session of the abuse and perversion of power by magistrates and justices of peace; the frauds of contractors, and the monstrous cruelties inflicted by officers in the

recruiting service, which exhibit a complexion of manners little removed from barbarism. See particularly the proceedings of the commons on the complaint and petition of Agmondisham Cusse against major Francis Flood, a member of the house of commons, 7th June 1705; and on the petition of Eustace Sherlock against Maurice and John Annelly, 9th June.

A bill

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A bill was introduced in the house of commons for strengthening the protestant interest, which was afterwards rejected, not from any disapprobation of its principle, but because it exceeded in severity, and was intended to impose great hardships upon the descendants of popish families who should afterwards embrace the reformed religion. Its purpose was in some measure superseded, and an additional check imposed upon the growth of popery, by a resolution of the commons, finding, that the indulged popish priests were bound to take the oath of abjuration according to the existing laws, and that it was the duty of all judges and magistrates to carry them into execution.

While the tory ministers were in place, the Irish protestants were agitated with constant apprehensions on the score of popery, which confined the attention of parliament principally to that subject, and rendered it cautious not to introduce any business ever so remotely tending to excite the jealousy of the English government. The alarm on this ground was entirely removed by the establishment of the whig interest in England, and the strongest assurances from the lord lieutenant, who was devoted to it, that the queen was now willing to adopt every expedient for the farther security of her protestant subjects. Delivered by the same presiding influence, from the dread of that ecclesiastical faction which laboured to divide the protestants, the commons now began to assume a high tone of patriotism, and boldly to enter upon the prosecution of measures for mitigating the oppression, and raising the internal prosperity of their native kingdom. They resumed their complaints of mismanagement and breach of trust against the trustees for the forfeited estates; the substance of which, with the facts and proofs necessary to support them, were stated in an address to the queen, and presented to the lord lieutenant by such members of the house as were in the list of privy counsellors<sup>70</sup>. Nor did the commons confine their attention to those evils

7th July.

<sup>70</sup> Journals Commons, 9th, 14th August. Of persons had been inserted in the list of arrears who had receipts for the full payment of their

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evils which arose from the subordinate agents of government. They aimed at the reformation of abuses which were traced to the principal persons in authority, and materially affected their political state. They complained, that the limitations, to which the Irish legislature was subjected by Poyning's law<sup>71</sup>, had been often anticipated by their privy council on the spot. They resolved, that the interest of the kingdom had been greatly prejudiced by the alterations made by the council board in Ireland on the heads of bills adopted by the parliament; and the total suppression of others, tending to the encouragement of their trade and manufactures. They complained of the arbitrary and illegal interference of the same authority in matters of election, and with the rights of magistrates in corporations<sup>72</sup>. They passed a resolution, that it would greatly conduce to the good of the kingdom, that its inhabitants should use none other than the manufactures of Ireland in their apparel and furniture, and the members of the house unanimously engaged upon their honour to adhere to this resolution.

29th Oct.

As these ebullitions of an independent spirit were provoked by actual grievances, so it is probable that they were still farther incited by the recent transaction of the union of South and North Britain, and by that national envy which was roused by the superior advantages conferred upon Scotland in admitting her to all the benefits of the trade and constitution of England<sup>73</sup>. In their address, at the opening of this session, the commons congratulated her majesty upon the

their rents under the hands of the agents employed by the trustees; and that some had been charged for the rent of lands to which they never had entered. In the list of adjudged debts, some of them were founded upon supposed breaches of covenants; and others had been paid, or discharged by the exchequer. In the list of lands sold, some had been twice paid for; and some had been sold by the trustees without their having any right or authority to dispose of them. Money had often been violently extorted from poor families, by under officers of the treasury act-

ing as undertakers for clothing the army. Journals Commons, 9th August, October, &c.

<sup>71</sup> By Poyning's law, no bill could be introduced in the Irish parliament, that had not first received the approbation of the privy council in England; but it was insinuated, that the council in England only followed the opinion of that of Ireland.

<sup>72</sup> Journals Commons, 24th October.

<sup>73</sup> Consequences of the Union with Scotland. London, 1706.

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glory which she had acquired by accomplishing the union of the British kingdoms, and hinted at a more *comprehensive* union, which would farther redound to the strength and lustre of her crown<sup>74</sup>. If it was the desire of the Irish freeholders to be incorporated with Britain, which from the above proceedings we may infer to have been the case, it offered the English ministers the most favourable opportunity for exalting the British empire to its utmost pitch of power and glory, by the consolidation of all its members. But the ministers, supposing the interest of the protestant freeholders in Ireland to be a sufficient pledge for the support of the Hanoverian succession, the darling object of their policy, had not the liberality to grant their fellow subjects those benefits, which they considered as a deduction from the dignity and profit of the sister country; nor had they the foresight to discern, that, in proportion to the security of her internal government, and the increase of her opulence, Ireland would naturally lose a sense of her dependence; call in question the supremacy of the British legislature; and become adverse to a measure, which, had it been adopted at that crisis, must have redounded essentially, at this day, to the strength and prosperity of all the united kingdoms. On the 30th of October the parliament was prorogued to the 6th of May 1708<sup>75</sup>.

<sup>74</sup> The lords, in their address to the queen, did not refer to the subject of the union. Tindal, vol. vii. p. 315. They thought, perhaps, that the peers of Scotland had made a bad bargain, and were afraid of experiencing the same fate if the union had been extended to Ireland.

<sup>75</sup> A supply of one hundred and thirty-five thousand pounds was granted for one year and three quarters, commencing 29th September 1707, and ending 24th June 1709. Journals Commons, 1st August 1707.

Several useful acts were passed this session, of which these were the principal. An act for

lessening the fees of the sheriffs on executions; an act for the amendment of the law, and the better execution of justice; an act empowering justices of peace to determine disputes between masters and servants, and to punish disorderly servants; an act for more effectually preventing the taking away and marrying children against the consent of parents. I mention these particularly, because the perusal of them will give an insight into the uncivilized manners, the weakness of the laws, and imperfect administration of justice in Ireland, at the period under consideration.



## C H A P. XIII.

*Effects of the Union on the Temper of the People in both Kingdoms.—First Parliament of Great Britain.—The Queen's Speech.—Inquiry of the Lords into the State of the Navy—of both Houses with respect to the Management of the War in Spain.—Fraudulent Practices of some Merchants after the Union,—brought before the Parliament.—Acts of the Scottish Parliament repealed.—The Privy Council in Scotland abolished.—Report to the House of Lords concerning Gregg.—Message of the Queen relative to the Invasion.—Measures pursued on that Account.—Supplies.—Parliament dissolved.—French Prophets.—Campaign 1708.—State of the Confederacy.—Jealousies and Disagreements subsisting among its Members.—Circumstances favourable to the Military Exertions of France.—Preparations for invading Scotland.—A French Fleet sails for the Coast of Scotland,—pursued by Sir George Byng,—returns to Dunkirk.—Ghent, &c. taken by the French.—Motions of the Count Chemerault,—of the Dukes of Burgundy and Vendosme.—Battle of Oudenarde.—The Lines of Ypres and Lys destroyed by the Confederates,—who raise Contributions in Artois and Picardy.—Progress of the French in Dutch Flanders.—Leffingen, &c. taken by the French.—Brussels invested by the Elector of Bavaria.—Ghent retaken by the Duke of Marlborough.—Campaign on the Upper Rhine,—in Italy,—in Spain,—in Portugal.—Disputes between the Pope and the Emperor.—Naval Affairs.—Death of Prince George of Denmark.—His Character.*

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THE affairs of two nations, hitherto divided and often hostile to each other, but now incorporated by the consolidation of their legislature and interests, form a new epoch in our history. The union, which produced this happy effect, was not at first seen in the same favourable light by the two contracting parties; and was least approved of by that which was evidently to enjoy the largest share of its benefits. As soon as the treaty had obtained the ratification of the English parliament, a fullness and jealousy began to work on the minds of the people in Scotland, as if they had been over-reached and

and degraded by the treachery of their constituents, and the artifices of the court. While the jacobites and episcopalians considered the political coalition of the two kingdoms as the ruin of all their hopes, the whigs and presbyterians indulged ominous apprehensions of its consequences, with respect to their religious establishment, and the independence of the Scottish nation<sup>1</sup>.

In England, on the other hand, it occasioned general rejoicing; and the duke of Queensberry, who had been threatened and execrated by the populace in his own country for his activity in promoting the treaty, was esteemed, by every order of men, as the distinguished benefactor of the united kingdoms<sup>2</sup>. The official arrange-

<sup>1</sup> No visible effect immediately followed the union in England; but in Scotland, new taxes, commercial regulations, and the introduction of revenue officers, who were men of low station, and from another country, conveyed, at first, an unfavourable impression of the treaty. Letter from a Scotch Gentleman in London to his Friend, p. 18. Edinburgh, 1711.

The delay of sending the equivalent money afforded the disaffected a handle for persuading the people that it never would be paid. In the beginning of August, the money came to Edinburgh in twelve waggons, guarded by a party of dragoons, which, instead of appeasing the tumultuary spirit of the people, gave occasion to new clamours, as if they had been insulted with the ostentatious parade of corruption. It was now said, that the price of their freedom was too manifest to be called in question. The mob followed the waggons with reproaches and curses; and threw stones at the horses, and drivers; of whom some were dangerously wounded. Defoe, p. 589.

<sup>2</sup> The 1st of May, in obedience to the royal proclamation, was celebrated through England as a public thanksgiving for the union, but was observed by many parishes in Scotland in the spirit of religious fasting and humiliation as if that fatal event had been a mark of the judgment of Divine Providence. "In April, the duke of Queensberry set out for London with a great equipage: I

had an invitation from him to attend him to London in one of his coaches, which I accepted of. I can therefore bear testimony that he was quite otherwise treated in England than he had been in Scotland. Here he had many times been in peril of his life from an unruly mob that had been instigated against the union and its well-wishers; whereas in England he was every where caressed, and received with great acclamations of joy. At Berwick, Newcastle, Durham, and other cities, as he passed, he was waited on and complimented by the chief magistrates. Every where the people running together testified their joy on the happy event, in which he had been so instrumental. All the Scots in his retinue were likewise treated with the utmost civilities. So that all of us had the greatest reason imaginable to expect success in the transaction we had just come from finishing. At Barnet, Highgate, and other places, within twenty miles of London, all the queen's ministers, all the peers, and commons of parliament waited upon him in their coaches; so that I am persuaded there never was so great and joyful a concourse of people seen since the entry of king James the Sixth of Scotland on the union of the crowns." Sir John Clerk's MSS.

ments,

CHAP. XIII. 1707. ments, adapted to the new establishment of government in Scotland, were modelled agreeably to his direction; and the public business there conducted according to his advice<sup>1</sup>. He was afterwards made one of the principal secretaries of state, and honoured with an English peerage.

The first parliament of Great Britain was opened on the 23d October 1707<sup>2</sup>. The usual forms, upon the meeting of a new parliament, were observed upon this occasion: Mr. Smith was again elected speaker of the house of commons, and approved of by the queen.

6th Nov. Her majesty expressed her satisfaction at meeting the representatives of her subjects from both kingdoms, prepared to render the union answerable to their well grounded hopes, to which nothing could contribute more, than convincing friends and enemies, that it had not only improved their abilities, but confirmed their resolutions to carry on the war. The attempt upon Toulon, though it had not produced its desired effect, was represented as serviceable to the common cause, and the recent success in Italy, as compensating for the losses in Spain. Affairs on the Rhine, she observed, were in a fair way of being retrieved by the elector of Hanover, who had accepted the command of the army there. The various and pressing occasions for supply were enumerated. She recommended to their immediate consideration those matters, which, by the articles of the union, had been referred to the discussion of the British parliament; and promised that nothing should be wanting, on her part, to secure to her people all the blessings expected from that glorious event.

10th Nov. The commons, after excluding several members in office, disqualified by late acts of parliament, unanimously voted an address of thanks, and promised their utmost efforts to promote the several ob-

<sup>1</sup> Clerk's MSS.

<sup>2</sup> By the twenty-second article of the union, the queen was empowered to declare the English peers, and the commons of the English parliament, then existing, together with the sixteen peers and the representatives of the commons of Scotland, to be the first parliament of Britain.

jects recommended by her majesty. The lords were not equally forward in adopting the ordinary forms of complaisance; and the question for the address was postponed to that for considering the state of the nation with respect to the fleet and trade of Great Britain.

Encouraged by this early indication of their bad temper, several merchants and traders of the city of London prepared a petition, complaining of the great losses which they had sustained by the neglect or misconduct of the admiralty, and presented it to the upper house on the day appointed for resuming the question on the state of the nation. After a long debate, in which the mismanagement of the fleet was severely censured, not only by the members in opposition, but by some of the friends of administration<sup>3</sup>, the resolution was unanimously adopted of appointing a committee to inquire into the evidence of the facts contained in the petition of the merchants, and to report to the house<sup>4</sup>.

From the reports of the committee, founded upon the inspection of all the papers relative to this business, and the declarations upon oath of the persons concerned, it appeared, that the losses of the merchants during the war surpassed example; that they were owing to the delay and insufficiency of convoys; the want of cruisers in the channel; the arbitrary proceedings of the captains of the navy in pressing men; and the most shameful extortion and fraud chargeable upon the commanders of the convoys<sup>5</sup>. This report was transmitted to the lord high admiral, and sent back with answers, which, instead of satisfying the inquirers, furnished new ground of censure, by reflecting on the mismanagement of the naval department in the late reign<sup>6</sup>. The final determination of the lords, however, was not

<sup>3</sup> The earl of Wharton and lord Somers were of this number. Tindal, vol. vii. p. 342.

<sup>4</sup> A committee was also appointed for receiving proposals to encourage privateers in the West Indies; several resolutions for that purpose were reported by the committee; and

it was resolved, that, besides ships of war and convoys, a sufficient number of cruisers should be appointed in proper stations.

<sup>5</sup> Journals Lords, 17th December, *passim*.

<sup>6</sup> *Id.* 9th January, 17th February 1708.

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answerable to the ardour with which they entered upon this business. For the only measure which they adopted, was an address and representation to the queen, containing the reports of the committee with the lord high admiral's answers and their replies.

The different interests and attachments of the persons, who entered with equal keenness into the inquiry, rendered it difficult for them to agree in that specific crimination, which alone could have produced adequate redress for the evils complained of. The prince of Denmark, labouring under bodily indisposition, and deficient in the talents and experience requisite for the difficult and complicated duties of his appointment, had devolved the business of the admiralty upon a council of his own nomination, which was entirely under the management of admiral Churchill, the duke of Marlborough's brother. Hence it was naturally suspected, that the interests of the navy were sacrificed to the continental war, so peculiarly interesting to the general. Some, who approved of the inquiry from the best motives, were convinced that the facts which it had brought to light did not afford any foundation for censuring ministers indiscriminately; while the friends of the duke of Marlborough were equally unwilling to admit any conclusion injurious to his reputation, and that political system which he had always supported<sup>9</sup>. All were sensible of the singular delicacy of their situation with respect to the prince of Denmark; and how difficult it was to make a distinction between him and his council, or transfer the censure from the one to the other. The council had no constitutional existence or authority: it

<sup>9</sup> Journals Lords, 25th February. One thousand, one hundred and sixty merchant ships had been taken in the course of the war. The revenue had sustained a loss of one hundred and fifty thousand pounds within the space of one year, in consequence of the capture of British traders. The French privateers had taken many prizes in sight of the British coast. The exorbitant premiums exacted by the captains of convoys, compelled the merchantmen

to sail unprotected; while, from the pressing their men, without any regard to circumstances, they were sometimes forced to employ French prisoners, and to pay such exorbitant wages as annihilated the profits of their trade. Journals Lords, 17th December; Journals Commons, 16th February.

<sup>10</sup> Journals Lords, passim. Appendix, N<sup>o</sup> XXII. XXIII. XXIV.

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was created by the prince and entirely dependent upon him; and therefore he alone could be responsible for the errors of which it was accused. This consideration seems to have been the principal cause of enervating a measure which set out with so bold an aspect; and a tenderness for the sovereign, not only prevented any insinuations disrespectful to her consort; but was the occasion of inserting, in the representation to the queen, a disavowal of any reflections upon the conduct of his royal highness<sup>11</sup>.

The complaints against the admiralty were likewise introduced in the house of commons, and the state of the nation with respect to the navy considered; but owing to the causes already mentioned, which had a more powerful influence there, its proceedings were partial and dilatory; and the conclusions in which they terminated, still less precise and efficient<sup>12</sup>.

An inquiry into the management of the war occupied a great part of the attention of both houses; and, more than any other subject that occurred in the course of this session, gave an insight into the tempers and views of parties. The Tories contended, that the system of the war, hitherto prosecuted by the court of England, contradicted the very end for which it had avowedly been undertaken. As the primary object of it was, to vest the Spanish monarchy in the house of Austria, it ought to have been pushed with the greatest vigour in a quarter where this object could have been most certainly and speedily obtained. Recent experience enforced this conclusion, as the active bravery of the earl of Peterborough, at the head of a body of troops, inconsiderable and ill equipped, had nearly accomplished, in one campaign, that success which could never be effected

<sup>11</sup> Tindal, vol. vii. p. 347, &c. Journals captain Ker, who commanded one of the convoys; yet neither of the houses carried their

<sup>12</sup> Journals Commons, passim. Although censure farther than addressing her majesty not there appeared the fullest evidence of fraud, to employ him for the future. Journals Lords, extortion, and breach of trust committed by 7th; Journals Commons 24th February.

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by

CHAP. XIII. 1707, 8. by the most splendid victories in Germany, purchased at an immense profusion of blood and treasure.

The duke of Marlborough and his friends justified the plan on which the war had been conducted; and even insisted upon the necessity of augmenting the military force of the allies in Flanders. As the French king alone had maintained his grandson in the usurpation of the Spanish throne, it was evident, that the interest of his rival, king Charles, could obtain a firm and permanent establishment, only by reducing the power of France; for which purpose it was necessary to carry on an offensive war on its frontiers, and to extend it as opportunity offered, into the interior of that kingdom. The strong places in Spain might be secured by the twentieth part of the force that was requisite for defending the forts in the Netherlands. If the latter were lost, the government of Holland would be compelled to relinquish their connexion with the grand alliance, and give way to the faction which had reluctantly entered into the war. The comparative loss of men and expence, incurred in the respective departments of the war, had been grossly mistated; for, while the transportation of troops into Spain amounted to fourfold the expence of conveying them to the neighbouring continent, a far greater proportion of them were rendered unfit for service, or perished ingloriously in consequence of diseases occasioned by a tedious voyage, unwholesome provisions, and the fultriness of the weather peculiarly noxious to the natives of a northern climate.

When political measures happen to be implicated in the cause of parties, the discussion of them is seldom pursued with that discrimination and impartiality which is due to the public interest and the character of individuals. An object of the highest national moment was treated as if it had been the petty concern of two rival generals. The

<sup>13</sup> Annals Anne, p. 296. Tindal, vol. vii. p. 364. Letter to a Tory Member on the Management of the War, p. 24, 5.

names

names of the earl of Peterborough and lord Galway were often introduced: the exploits of the former were magnified by the Tories; and the ill success of the latter imputed to misconduct, which was not warranted by any evidence produced.

However different the motives of individuals interested in these debates on the management of the war, it is somewhat remarkable that the business was brought to an issue, which was considered by the opposite factions as equally subservient to their respective views. Both houses agreed in an address to the queen, representing that no peace could be safe or honourable, while Spain and its colonies were under the power of the house of Bourbon; and beseeching her majesty to use her influence with the emperor, to send powerful succours to his brother. By this address, an obstruction was thrown in the way of the peace, towards which the king of France had made earnest advances, an effect highly acceptable to the junto; while the Tories were gratified with the hope of the war's being conducted, in future, agreeably to the plan which they had recommended, both from considerations of public good, and the prospect of shaking the stability of the present administration.

The friends of the earl of Peterborough, during the discussion of the question relative to the affairs of Spain, discovered great solicitude to obtain a vote of thanks in the house of lords for the meritorious service he had performed there. The party in power were aware, that the movers of this question had other views than those which referred simply to the honour of their hero, and that yielding this point would have given too much countenance to those sentiments, with respect to the management of the war, which were brought forward in every stage of this debate. As the duke of Marl-

<sup>14</sup> The discoveries arising from this inquiry afforded ample proof of such untoward accidents, mismanagement at home, and ill conduct on the part of the allies in Spain, as sufficiently accounted for the misfortunes of lord Galway. Although the parliament had voted twenty-

nine thousand men for the service of the campaign 1707, in Spain and Portugal, no more than eight thousand were there at the fatal battle of Almanza; and these deficient in officers.

<sup>15</sup> Annals Anne, p. 314.

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borough



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borough had prevailed in the late struggle among the members of the cabinet, his enemies began to despair of supplanting him by any other means, than either putting an end to the war, or changing the scene of action. Every successive campaign crowned him with fresh laurels; and strengthened his pretensions to that ascendancy, which he had long held in the councils of the sovereign. A vote of thanks to the earl of Peterborough would have communicated new importance to the theatre of his exploits, and given an additional sanction to the proposition on which the tory lords were so strenuously bent, that the stress of the allied arms ought to be shifted from Germany and the Netherlands to Spain<sup>16</sup>.

Not contented with opposing the honour claimed in behalf of the earl, the leaders of administration frequently introduced into the debates insinuations disrespectful to that nobleman; and endeavoured to give such a direction to the inquiry, as tended to disclose examples of his indiscretion and insolence in the very scene where his merits shone with the most conspicuous lustre. Coolness, moderation, and prudence, are virtues which more frequently belong to characters and talents of an ordinary standard, than to those which are eccentric and astonishing. The intrepidity, the dispatch, the success of the earl of Peterborough were undeniable, but he was haughty, impetuous, headstrong, and impatient of subordination; and often acted in opposition to the counsels which he could not over-rule. His arrogance disgusted his colleagues, and repeatedly gave offence to king Charles; and if the merit of his services had not far outweighed his delinquencies, there can be little doubt, that the rigid and ordinary interpretation of military law would have authorized the severest censures which his enemies wished to inflict<sup>17</sup>. But, as he had many friends in the house and great popularity, it was deemed most expedient to desist from the plan of instituting any formal inquiry into his conduct; and to leave it with the public,

<sup>16</sup> Oldmixon, vol. ii. p. 398.

<sup>17</sup> Tindal, vol. vii. p. 395.

coolly

coolly to appreciate his merits according to the facts brought to light, without any bias from the interposition of his peers, either in the way of censure or applause<sup>18</sup>.

From the investigations now recited, it appeared that the great deficiency of the force employed in the Spanish service, was owing principally to the failure of the allies, who did not send their stipulated proportion of troops into that quarter. The commons therefore repeatedly addressed her majesty, that she would lay before them a state of the effective men maintained by the king of Spain, and by the king of Portugal. With the former part of this request she complied; but with respect to the latter, she declined to make any strict inquiry into the conduct of his Portuguese majesty, as the enemy were now using their utmost diligence to draw him off from the alliance<sup>19</sup>.

In order to form a clear apprehension of the measures which were adopted by the first British parliament, relative to the trade of Scotland, it is necessary to mention a transaction which happened there, in the interval between the 16th of January, when the treaty obtained the final approbation of the states, and the 1st of May, when it became obligatory on the subjects of both kingdoms. By the fourth article it was stipulated, that all the subjects of Britain should enjoy equal freedom of trade in every part of the united kingdoms. It was hardly to be expected, that either the prospect of future advantage, or the strict point of honour, would restrain mercenary adventurers from entering into speculations of gain, suggested by an ambiguity and reserve, unavoidable in regulations which referred to a case entirely new, and which were to be productive of such an essential change in the commercial interests of both nations. As soon as the treaty had passed in the parliament of Scotland, large

<sup>18</sup> Journals Lords, passim.

<sup>19</sup> Letter from Paris, 7th November 1707. Lamberti, tom. xiv. p. 184. The king of Portugal not only fell short of the number of

troops which he had engaged to furnish at his own expence, but of those for which he received a subsidy. History of Impeachments, p. 272. Lond. 1711.

quantities

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quantities of foreign goods were commissioned, and foreign ships freighted to carry them to Scotland, with the design of transporting them into the neighbouring country, after the commencement of the union, taking it for granted, that under the protection of the above article, they would be free from the English duties<sup>20</sup>. The fair traders, who formed the most opulent and respectable class of merchants in England, gave in a representation to the house of commons before the union had yet taken effect, setting forth the injuries arising from these illicit practices, with respect to the public revenue, as well as their own private fortunes. On the ground of this representation, a bill passed in that house to subject all the goods imported into Scotland, under the circumstances described, to the prohibitions and the duties enacted by the English parliament. This bill, after an impartial and full discussion, was rejected by the lords, not on account of any objection to its principle, or to the facts on which the complaints of the London merchants were founded, but merely from an honourable scruple with respect to the competency of the English parliament, in its separate capacity, to explain or determine any question, relative to the articles of the union, which had been framed and ratified by the legislatures of the two respective kingdoms<sup>21</sup>. Presuming, from the reserve on the part of the lords, that their speculation was likely to succeed, the proprietors sent their cargoes to London immediately after the commencement of the treaty, with certificates of their having been landed in Scotland before it had taken place<sup>22</sup>. The custom-house officers seized both the ships and the goods, some of them being contraband by the statute which pro-

<sup>20</sup> These goods chiefly consisted of wines, brandies, salt, linseed, iron, timber, and deals. Not only the Scotch, but English, Dutch, French, and Jewish merchants were concerned in these adventures. Defoe, p. 568.

The tobacco was sent to Scotland in such immense quantities, that it was evident the design was to return it again to England after

the union, and so to obtain the advantage of the drawback. Defoe, p. 569.

<sup>21</sup> Journals Commons, 7th; Lords, 24th April. Defoe, p. 571.

<sup>22</sup> A fleet of no less than forty sail, loaded with the commodities abovementioned, arrived in the Thames.

hibited

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hibited all trade with France<sup>23</sup>. When this was made known in Scotland, great dissatisfaction was expressed by every class, as if the articles of the union had been violated under the eye of the ministry; and a petition was presented to her majesty by the convention of royal burghs, entreating her interposition, to prevent the great loss and injustice which the merchants in Scotland would sustain by the forfeiture of their ships and cargoes. Her majesty laid this petition before the privy council, which, after mature deliberation, agreed that the subject of it should be referred entirely to the decision of the British parliament. In the mean while, that the goods in question might sustain no damage, the owners were permitted to land them on the condition of their agreeing to submit their case to the same respectable arbitration. Some acquiesced in this proposal, but the majority rejected it, which reduced the officers of the crown to the necessity of having recourse to the ordinary forms of law, for keeping a prosecution open, that the merchants might be answerable for the payment of the duties, if it should be found expedient to exact them, after the case had been maturely investigated by the united legislature<sup>24</sup>.

The business was brought into parliament early in the session by a petition from the owners of the goods to the house of commons; which being considered by a grand committee, it was unanimously resolved to address the queen that she would be pleased to order her attorney-general, to discharge the several informations exhibited in the court of exchequer relating to goods imported into Scotland before the 1st day of May 1707. The resolution of the house of commons in this business met with her majesty's hearty approbation, and was immediately complied with. An example of such lenity and indulgence towards the Scots was a happy presage of the kindness and liberality to be expected from their fellow subjects, in every dubious question concerning their interfering interests.

22d Nov.

24th

<sup>23</sup> Notwithstanding of the war, Scotland had hitherto carried on a trade with France.

<sup>24</sup> Defoe, p. 571, &c. Appendix, p. 686.

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The attention of the British parliament was next directed to those objects which related to the political situation, and internal government of Scotland. An act was passed for repealing and declaring the determination of two acts passed in the parliament of Scotland, namely, the act of security, and an act anent peace and war<sup>25</sup>. Both were virtually superseded by the union, which communicated to Scotland those rights and privileges, which it was the object of these acts to obtain; and still more explicitly by the 25th article of the treaty, which declared, that all former laws, in either kingdom, inconsistent with its terms and conditions, should cease and become void; but a formal and literal abrogation of them was deemed expedient, to remove the uneasy apprehensions, which they had excited in England<sup>26</sup>.

The reluctance of ministers to abolish the Scottish privy council arose from a narrow and selfish policy, very unlike that which marked the general tenor of their conduct and proceedings respecting the union.

In the records of the privy council of Scotland, after the junction of the crowns, we meet with more frequent examples of the gross perversion and abuse of delegated power, than occur, perhaps, in the history of any nation, possessing a regular and established government. The functions and proceedings of the ordinary judicatories were often suspended; and their decisions overawed and controlled, by the indefinite prerogatives of a tribunal, which was a standing engine of regal, and aristocratic oppression. Its unlimited continuation, or the application of its authority to any arbitrary purpose, were ideas which certainly never entered into the minds of the present ministers; but specious grounds of policy, and motives of party

<sup>25</sup> By the act anent peace and war, (16th September 1703,) it was declared, that after her majesty's decease, and failing heirs of her body, no person, being king or queen of Scotland or England, shall have the power of making war with any prince, &c. without consent of parliament; and that no declaration, without such consent, shall be binding on the subjects of Scotland.

<sup>26</sup> Tindal, vol. vii. p. 356.

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interest, rendered them anxious to prolong the existence of a court, which was capable of acting with greater promptitude and vigour, than could be expected from the new magistrates, who were to supply its place, under such restrictions and responsibility as were congenial to the lenient spirit of the English constitution<sup>27</sup>. The distance of Scotland from the seat of government, the continuance of the war, the recent detection of conspiracies, and the turbulent spirit of the Scots, which was ready to make the salutary innovations attending the union a pretext for insurrection, required a deputation of power more ample and free, and in criminal matters a procedure more prompt and vigorous than was necessary in the neighbouring kingdom, where the people had been long inured to habits of order and civilization, and were more immediately under the control of the supreme magistrate.

These arguments, however specious, were treated with less respect, because the persons who laid so great a stress upon them, were not unmoved by personal considerations; and wished to retain the Scottish privy council, as the most effectual instrument for supporting their own political influence in that country; and particularly for modelling the elections which were to take place at the rise of the present session of parliament<sup>28</sup>. The motives which induced several of the Scottish nobility to oppose the abolition of the privy council, were neither so ambiguous, nor so plausible and decent, as those which were ascribed to the English members who voted upon the same side. Although most of the families of distinction in Scotland had, in their turns, smarted under its despotic arm, yet they were unwilling to submit to that encroachment upon their own hereditary jurisdictions, which was to follow upon the extinction of this branch of executive government<sup>29</sup>. Lord Somers exerted himself with uncommon ardour and diligence in promoting a measure so essential to the liberty of Scotland; and as he had been principally useful in ad-

<sup>27</sup> Earl of Loudoun's Letter to Carstairs, 30th December 1708.

<sup>28</sup> Life of Argyle, p. 133.

<sup>29</sup> Cunningham, vol. ii. p. 135, 6, 9.

vising and directing all the previous steps of the treaty of union, to his persevering and consistent patriotism, posterity stands indebted for the speedy dissolution of a tyrannical jurisdiction, which might long have intercepted the most substantial benefits of that meritorious transaction.<sup>30</sup> The bill for rendering the union more complete, by subjecting the affairs of both nations to one privy council, after having passed in the house of commons, was carried in the house of lords only by a majority of five votes.<sup>31</sup>

A bill

<sup>30</sup> Minutes of Lord Somers's Speech. Hardwick's Collection, vol. ii. p. 473.

<sup>31</sup> Journals Commons, 6th; Lords, 25th February.

By this act the Scottish privy council was to terminate on the 1st of May 1708. The powers of justices of peace were made the same throughout the whole united kingdom; and, for the better administration of justice, the lords of justiciary were appointed to make circuits twice in the year; the writs of the election of members were to be directed to the sheriffs of the counties, and the returns to be made in like manner as in England.

Acts were likewise passed this session for regulating the elections of the peers, for establishing a court of exchequer in Scotland, and for further directing the payment of the equivalent.

A protest was entered in the house of lords against the bill for rendering the union more complete. The first reason referred, merely, to the disorder that would arise from the premature dissolution of the privy council; but the second, to the new powers conferred upon the justices of peace, as encroaching upon the twentieth article of the union, which provided, that all heritable jurisdictions should be reserved for the owners thereof as enjoyed by the laws of Scotland.

The justices of peace, agreeably to the laws of Scotland before the union, were appointed by the privy council; and their powers were considerably enlarged by the 12th and 38th acts of the Scottish parliament, in the time of Charles the Second. Having been found too much subservient to the arbitrary dictates of their constituents, they were laid aside at the

revolution; and consequently the administration of petty justice remained with the hereditary magistrates, sheriffs, stewards, and the proprietors of great estates, according to the rights and usages of their superiorities. De-foe, p. 593, &c.

As there can be no doubt of the expediency of reviving the institution of justices of peace, so the essential alteration which had taken place in the political condition of Scotland shut up the source, from which the corruption and mal-administration of this description of magistrates were originally derived. The privy council existed no more: it was necessary therefore, that they, as well as the justices in England, should receive their commissions from the lord chancellor.

The alterations introduced into Scotland, with respect to the excise, customs, and commercial laws, gave rise to a new species of civil crimes, of which it was necessary that the new justices should be empowered to take cognizance. If according to the model of England, the powers of the Scottish justices were farther enlarged, it was so evidently subservient to public order and peace, that none but such as were influenced by selfish motives could object to it, upon the score of its deviating from a rigid and literal adherence to the twentieth article of the union; and even this objection was in a great measure obviated by a clause in the act, "that, in the sessions of the peace, the methods of trials and judgments shall be according to the laws and customs of Scotland." Statutes at Large, vol. iv. chap. vi. 1707.

The novelty of the institution, the jealousy of

A bill passed in both houses for settling the militia in Scotland. Besides the advantages to Scotland expressly stipulated by the treaty of union, it was expected that other public improvements and benefits would afterwards be promoted in that country by the united legislature. A militia had been always reckoned, by the Scottish patriots, as an essential security for their liberty and independence; and as their army was now modelled according to the plan of that of England, so it was taken for granted that a militia was to be established in Scotland upon the same footing in both kingdoms. But while the bill was depending, the attempt of the pretender to invade Scotland, excited a general suspicion that it would be unsafe to trust the people in that country with arms, and prevented the bill being presented for the royal assent.

A committee of the lords was appointed to examine Gregg, convicted of high treason, and other suspected persons who had been employed by Mr. Harley for procuring intelligence from France. Although no evidence appeared upon the face of these examinations, tending to the crimination of the secretary, yet the report of the house was worded in such a manner as to impute blame to him, by insinuating that his indolence and carelessness had been the cause of betraying the secrets of government.

A message was sent by the queen to both houses, informing them of preparations carrying on at Dunkirk, for an immediate invasion of England by the French and the pretender, which was answered by a joint address from the lords and commons, expressing their fervent loyalty, and willingness to concur in every measure for defend-

of the hereditary magistrates, and the persons first appointed to the offices of justices, being ignorant of the laws of England, which were now in many cases to regulate their decisions, prevented them, for a long time after the union, from discharging their duty with the diligence, independence, and energy, which was necessary to render their office as useful as was intended either to the sovereign or their fellow citizens.

"The justices of peace, who were by the above act to have supplied the place of the privy council of Scotland, neither understood their duty, nor were willing to execute their offices as was expected. They were in a good measure strangers to the laws by which they were chiefly to act; and in some shires of Scotland, they seldom or never met." Sir John Clerk's MSS.



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ing her majesty's title and person. The habeas corpus was suspended; a proclamation was issued for apprehending the pretender and his adherents; for taking proper steps to guard against the dangers arising from popish recusants; and because some of the highland chieftains lay under the imputation of disaffection, a bill was brought into the house of commons to discharge the clans from their vassalage; and orders were sent to the earl of Leven, commander of the forces in Scotland, to apprehend all suspected persons. The alarm, occasioned by these measures, was but of short duration; and within the space of a few days, the parliament had occasion to present thanks to the lord high admiral for his dispatch in sending out a fleet which prevented the intended invasion.

29th March. The house of lords testified their respect for the memory of king William, by addressing her majesty to appoint commissioners to make out a statement of his personal debts, that proper measures might be adopted for discharging them. Her majesty returned a favourable answer, but it does not appear that any effectual progress was made in a business in which the honour of the nation was so deeply concerned.

20th, 23d Dec. The commons, by various measures, during the course of this session, discovered a zeal for advancing the commercial interest of the nation. They addressed her majesty to use her entreaties with the emperor to obtain the repeal of a prohibition which he had ungratefully imposed upon the importation of British woollen manufactures into his dominions in Stiria. They brought in a bill to prevent the continuance of collusive practices with respect to bringing French wines into the ports of England, under the pretext of their being prize goods, to the injury of the Portuguese trade, so beneficial to the nation<sup>32</sup>. Proper regulations were adopted for preventing frauds in the manufacture and sale of woollen cloth, and for the encouragement of its exportation; and a new act was passed

<sup>32</sup> This bill was not carried through before the end of the session.

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for securing the trade of the American colonies". The house of commons gave another instance of their indulgence to the prejudices of the Scottish nation, by recognising the merits of Mr. Paterfon, the original projector of the Darien company. They resolved, that he was entitled to payment for all the sums due to him by the proprietors; and also to a recompence suitable to his public services; and the committee, appointed for directing the payment of the equivalent money, was empowered to receive a clause for that purpose.

The commons seem rather to have displayed an officious zeal for orthodoxy, by expelling Mr. Asgil, one of their members, because he had published opinions contrary to those which were generally received by the christian church; and the book which contained them was ordered to be burnt by the hands of the common hangman<sup>34</sup>.

18th Dec.

All the supplies demanded for the public service were cheerfully granted, and amounted to the sum of six millions, twenty-one thousand, nine hundred and twenty-six pounds, six shillings, and a penny; of which sum, one million and two hundred thousand pounds was advanced by the united East India company, upon passing an act to renew their charter for fourteen years. This session was closed on the 1st of April, and the parliament dissolved upon the 15th.

Its proceedings, upon an impartial review, appear to be entitled to a high degree of praise. No parliament, during this reign, maintained greater moderation and unity in the discussion of various business of the highest national importance; and, to the generosity and dispatch of the commons, in granting the supplies, the subsequent success of the British arms is in a great measure to be imputed;

<sup>33</sup> Statutes at Large; vol. iv. 1707.

<sup>34</sup> The proposition asserted by Mr. Asgil was, that, according to the covenant revealed in the scriptures, man may be translated into eternal life without passing through death. As this proposition could not be productive of bad influence upon practice, so it was defended with great ingenuity, and every mark of sincerity by the author. Mr. Asgil was at this

time lying in the Fleet prison for debt, and had petitioned the house to be relieved on the score of privilege. It was probably with the view of getting rid of this petition, and the disclaiming connexion with a person, whose embarrassments had brought him under reproach, more than from any motive of religious zeal, that the house inflicted such a severe sentence. Biographia Britannica, article Asgil.

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nor ought we to overlook the diligence with which both houses inquired into abuses and miscarriages injurious to the public, though it must be acknowledged, that their final determinations fell short of that precision and energy which would have been necessary for over-awing delinquents, and preventing the repetition of similar offences. But, what above all recommends this parliament to the gratitude of posterity is the memorable transaction of the union, which never could have been accomplished without a laborious and patient investigation of facts, and the most comprehensive views of the political interests of Britain.

Pretensions  
of the French  
prophets.

About the end of the year 1706, several French protestants, from the country of the Cevennes, arrived in England. They were generally treated with tenderness and indulgence as sufferers for conscience sake, till the extravagant pretensions and frantic behaviour of some of their leaders disturbed the public peace, and at length required the interference of the civil magistrate. Elias Marion was the principal actor in this strange scene of enthusiasm or imposture; for it is difficult to decide, whether he was the dupe of his own delirious imagination, or only acting a part in order to gratify a spurious ambition by rendering himself the object of popular admiration. He pretended to be the inspired messenger of heaven, and to have received authority to denounce judgments, and foretell future events. John Cavalier and Durand Fage, only put in their claim as subordinate instruments in Marion's commission; and co-operated in attesting his authority, and propagating the doctrines revealed to him by the Spirit of God. Although the topics insisted upon by these self-commissioned prophets were frivolous or unintelligible; their expressions confused, abrupt, and incoherent; and the attitudes and motions with which they were accompanied, wild and eccentric<sup>35</sup>; but,

<sup>35</sup> Nothing could be more ludicrous and fantastical than the attitudes and expressions of these pretended prophets. They often fell suddenly prostrate on the ground as if they had been thrown down by external force; and continued motionless, and apparently dead for

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but, at the same time, such as might have been acquired by artifice and habit; yet they met with wonderful success in collecting a multitude of followers of low rank, and even in making a few proselytes respectable for station and character.

The ministers and elders of the French chapel in the Savoy began to be uneasy on account of these irregularities, lest they should bring reproach upon their own congregation, and give authority to prejudices, unfavourable to the protestant refugees, which some of the established church discovered a strong inclination to foment. The leading members of that congregation applied to the bishop of London, as their ecclesiastical superior, that they might be enabled to take effectual measures for suppressing an imposture, so injurious to their own particular credit, and the interest of the reformed religion in general. Having received powers for this purpose, they summoned the three persons already named, to appear before them, and give an account of their pretensions. Elias Marion only appeared, and with a sullen obstinacy maintained his claim to divine illumination. The commissioners condemned his pretensions as blasphemous and dangerous; and ordained their sentence to be entered in their re-

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1707.

for a considerable time. The first symptoms of their returning to life were indicated by heavy sighs and groans, which were soon followed by vociferation and loud shrieks: broken sentences were then dropt, after short intervals, in strange and unnatural sounds, while the persons themselves seemed to have no more apprehension or consciousness of what they uttered than inanimate machines. Upon other occasions, they appeared to be violently and reluctantly constrained, to announce the dictates of the Spirit, contrary to their own inclinations; and, in that case, their discourses were delivered with varied modulations of voice, as if different persons had been speakers; the Spirit all the while commanding and threatening; the agents, contradicting and setting him at defiance, till at length, exhausted in body and mind, the latter, in feeble accents, surrendered themselves implicitly to the counsels of omnipotent wisdom, professing their deep affliction and penitence for having, vainly and impiously entered into such an unequal contest. Not only the original founders of the prophetic sect, but several of their disciples, of both sexes, and even children, became principal actors in these enthusiastic freaks. See the case of Samuel Kainer, London, 1718. Cunningham, vol. ii. p. 81. To such extreme audacity did these enthusiasts arrive, that they at length boasted, with confidence, of their having obtained power to raise the dead. They were even so infatuated as to specify the persons on whom this power was to be exercised, and the time and place of doing it; and though they repeatedly failed, they were not abashed, but promised success with the same confidence in a future experiment; and what above all was strange, the greater number of their votaries still believed them, and adhered to them. Id.

gister,

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gister, and to be read in the several protestant chapels with which they were connected.

Instead of being checked or overawed by the censures of their protestant brethren, the pretended prophets became more bold, insolent, and assiduous in the propagation of their tenets, and in their zeal to make proselytes. They now delivered their exhortations and prophecies every day in the streets to credulous and increasing multitudes; they inveighed against the ministers of the established church; they denounced woeful judgments against the city of London and the English nation; and they committed their discourses to the press, to give them a diffusive circulation<sup>16</sup>.

This last step furnished the protestant congregations, whose indignation was inflamed by the contempt with which their authority was treated, with grounds for calling in the aid of the civil magistrate.

The ringleaders of the deluded band were indicted and prosecuted at the expence of the French protestant churches, as impostors, and disturbers of the public peace; and were sentenced, by the court of Queen's Bench, to stand on a scaffold at Charing-cross and the Royal Exchange, with a paper denoting their offence; to pay each of them a fine of twenty merks, and to find sureties for their good behaviour.

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1708.

The severity of this sentence, and the fortitude with which they endured it, were ill calculated for undeceiving their deluded votaries, if an imputation, more precise and odious than that for which they were condemned, had not been artfully propagated to overturn the popularity of these triumphant impostors. It was insinuated, that the ostensible offenders were only tools of ill designing men, who wanted to spread Socinian principles among the lower classes of the people; and to subvert the orthodoxy of the protestant congregations<sup>17</sup>. No proof, however, was adduced to substantiate this

<sup>16</sup> They were intitled Prophetical Inspirations of Elias Marion.

<sup>17</sup> Annals Anne, p. 371. Dr. Ems, one

of the persons whom the prophets undertook to raise, was a reputed Socinian. Case of Kaimar, p. 11.

charge,

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charge, which certainly can derive no credit from internal evidence, as it is not easy to conceive means more unfit for the end proposed, than these which were now adopted, or a more unaccountable and discordant association, than that which was supposed between the disguised intentions and the palpable offences of these wretched and contemptible fanatics<sup>18</sup>.

The events of the campaign 1707 equally disappointed the fears of France, and the hopes of the allies. That after so many defeats, such immense loss of men, and the embarrassment of her finances, the balance of success should have inclined to France; and that she should still be able to meet her combined opponents, almost in every quarter, with an augmented and superior force, are facts of so extraordinary a nature, that they ought not to be passed over without attending to the causes from which they arose.

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1708.

All political associations, composed of states whose forms of government are dissimilar, and whose interests sometimes interfere, and often run counter to each other, necessarily contain latent causes of imbecility and dissolution. Although their peculiar prejudices may be suppressed, and the prosecution of their separate advantages suspended, under the recent impulse of sympathetic alarm or resentment, yet the strength of these feelings afterwards decline from the familiarity of the objects which first excited them; and the native sentiments and habits of the several united parties gradually resume their wonted sway. In the course of deliberations, and in the very scene of action, competitions and rivalships start up, which rouse the pride and animosity of the citizen to the prejudice of the general and allied interest. The precarious fortune of war, a defeat or a victory, operates unequally, with respect to the interests of the various confederate powers; and suggests peculiar fears and hopes, which were not foreseen or attended to at the formation of their union. Plans of appropriate advantage are clandestinely cherished

<sup>18</sup> Shaftsbury's Essay on Enthusiasm.

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CHAP. XIII. 1707, 8. gifter, and to be read in the several protestant chapels with which they were connected.

Instead of being checked or overawed by the censures of their protestant brethren, the pretended prophets became more bold, insolent, and assiduous in the propagation of their tenets, and in their zeal to make proselytes. They now delivered their exhortations and prophecies every day in the streets to credulous and increasing multitudes; they inveighed against the ministers of the established church; they denounced woeful judgments against the city of London and the English nation; and they committed their discourses to the press, to give them a diffusive circulation<sup>36</sup>.

This last step furnished the protestant congregations, whose indignation was inflamed by the contempt with which their authority was treated, with grounds for calling in the aid of the civil magistrate.

28th Nov. 1708. The ringleaders of the deluded band were indicted and prosecuted at the expence of the French protestant churches, as impostors, and disturbers of the public peace; and were sentenced, by the court of Queen's Bench, to stand on a scaffold at Charing-cross and the Royal Exchange, with a paper denoting their offence; to pay each of them a fine of twenty merks, and to find sureties for their good behaviour.

The severity of this sentence, and the fortitude with which they endured it, were ill calculated for undeceiving their deluded votaries, if an imputation, more precise and odious than that for which they were condemned, had not been artfully propagated to overturn the popularity of these triumphant impostors. It was insinuated, that the ostensible offenders were only tools of ill designing men, who wanted to spread Socinian principles among the lower classes of the people; and to subvert the orthodoxy of the protestant congregations<sup>37</sup>. No proof, however, was adduced to substantiate this

<sup>36</sup> They were intitled Prophetical Inspirations of Elias Marion. of the persons whom the prophets undertook to raise, was a reputed Socinian. Case of Kaimar, p. 11.

<sup>37</sup> Annals Anne, p. 371. Dr. Ems, one

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CHAP. XIII. 1707, 8. charge, which certainly can derive no credit from internal evidence, as it is not easy to conceive means more unfit for the end proposed, than these which were now adopted, or a more unaccountable and discordant association, than that which was supposed between the disguised intentions and the palpable offences of these wretched and contemptible fanatics<sup>38</sup>.

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<sup>38</sup> Shaftsbury's Essay on Enthusiasm.

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and pursued; open discords and jealousies perplex their councils, and enervate their joint efforts against the common enemies, whose power and resources are often regenerated by the very extremity of distress to which they have been reduced. These observations are founded upon facts, which enter into the period immediately under our review.

Various incidents, during the two preceding campaigns, had disclosed the interested views of some members of the confederacy, and exposed their smothered jealousies of each other. The selfishness and insolence of the emperor, though he had the greatest stake in the war, became highly offensive to all the rest of the allies. By consenting to the evacuation of the Milanese, and prosecuting his design against Naples, he had disappointed the exertions of the allied powers in Provence, and in Spain. He discovered the utmost unwillingness in contributing to the aggrandizement of his brother, when it trenchd upon his own authority; and it was only, after long delay and repeated subterfuges, that he yielded to the entreaties of the German states, by transferring to him the duchy of Milan<sup>39</sup>. Nor did it require less address and importunity from the queen of England and the states of Holland, to prevail upon him to perform his father's stipulations to the duke of Savoy, by ceding to him Valencia and Alexandria, with their dependent territories, the very object which had allured that prince to renounce his connexion with the French king<sup>40</sup>. Threatened with the dismemberment of his native dominions by the Hungarian insurgents, Joseph displayed at once the imprudence of his policy, and the intemperance of his ambition, by reviving obsolete and dubious claims of sovereignty over many fiefs in Italy, whose proprietors were unable to produce authentic titles of the grants made to their ancestors, from whom they had descended through many intervening generations. This barefaced and ill-

<sup>39</sup> Letter of Manchester to Sunderland, 13th January 1708. Letter of Cardonel to Sunderland, 2d October 1707. <sup>40</sup> Meadows' Letter to Boyle, Vienna, 29th April 1708.

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timed usurpation affected some of the most populous states; and though they were not in a condition to resist by any other weapons than those of argument and remonstrance, it exasperated their spirits against their oppressor, and rendered them secretly disaffected to the confederacy with which he was united<sup>41</sup>.

The circles of Germany not only availed themselves of every pretext for withholding or restricting their contributions to the war, but complained of the emperor's having failed in affording them the protection he had promised; and became suspected of a strong inclination to accept of the neutrality, so often urged by the French king<sup>42</sup>.

While England was made the dupe of her allies, by augmenting her military force; and lavishing subsidies among them with unexampled profusion; she did not escape the reproach of snatching, clandestinely, at unfair advantages for herself. The jealousy of the united states in particular was excited by the discovery of a commercial treaty, highly favourable to the trade of England, to which Mr. Stanhope had secretly procured the consent of king Charles, in the extremity of his affairs during the preceding campaign<sup>43</sup>.

The heavy exactions imposed upon the towns of the Spanish Netherlands by the rapacious delegates of the allies, contrasted with the mild government of the elector of Bavaria, who had presided there after the peace of Ryfwick, disposed them to listen, with a favourable ear, to his instigations for revolting against their present masters, as soon as it could be attempted with any prospect of success<sup>44</sup>.

<sup>41</sup> Barré, tom. x. p. 539.

<sup>42</sup> Id. p. 524.

<sup>43</sup> By this treaty, it was agreed, that the subjects of Great Britain should possess the same privileges of a free trade to the Spanish Indies as the subjects of Spain; and that the French should be entirely excluded from all kind of trade within the dominions of the king

of Spain. Tindal, vol. vii. p. 233, note.

<sup>44</sup> Berwick, vol. ii. p. 1. Lediard, vol. ii. p. 17. The elector was magnificent, a great admirer of the ladies, and a bigot to the catholic religion; which engaged the affections of all ranks. History of the Campaign 1708. Lond. 1709.

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The respective situation of the allied powers, their local dangers and their divided interests, introduced discordance into all their councils, and their plans for prosecuting the war. Some of them complained of exhausted finances; and, instead of bringing in their contributions, solicited loans or subsidies from the more opulent states. Some requested troops for maintaining their military establishments, which could no longer be recruited from their own depopulated dominions; others demanded gratuitous supplies of ammunition and provisions, which their inland situation rendered it impracticable for them to obtain, without the generous exertions of the maritime powers. In short, avarice, partiality, and caprice, furnished arguments, which appeared the most cogent to the party interested, for preferring its claims to those of every member of the confederate body; and thus it became impossible to adopt any resolutions, or fix upon any scheme of operations, without leaving somewhere disgust and resentment, which loosened the bands of the grand alliance<sup>45</sup>.

While from these causes its strength was declining apace, the power of the French king seemed to derive renewed vigour from the very efforts which had been made for its destruction, and from the universality of that distress to which his subjects were reduced. The cessation of labour and manufactures, domestic poverty and wretchedness, facilitated the recruiting of his armies; and the general scarcity of specie suggested, to an arbitrary prince, successful expedients for drawing the small reverſion of it, that was still afloat, into the royal exchequer<sup>46</sup>.

<sup>45</sup> Barré, tom. x. p. 524. "The allies were so jealous of one another, knowing the readiness of France to make proposals for peace, that they kept spies upon one another in every court, to watch, if so much as a new face appeared. As the English had frequently expressed their uneasiness on that account, so had the Dutch alternately to them; and it was not without great management, that any understanding was pre-

ceded between them." McNager's Negotiations, p. 18. Lond. 1717.

A great proportion of the troops in the pay of Holland, and some in the pay of England, were hired from the German princes, which justified them in pleading their utter incapacity to furnish the quotas required of them agreeably to the regulations of the empire. State of the War. Lond. 1708.

<sup>46</sup> Histoire de Louis, tom. vi. p. 174.

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Although the French king had hitherto delayed to send troops into Scotland, in compliance with the desire of the friends of the exiled prince, yet he still cherished their hopes, by promising them every kind of assistance, as soon as an insurrection could be attempted with any probable view of success. From late occurrences, the crisis for such an attempt was fast approaching. The general disaffection occasioned by the union, strengthened the hands of the Jacobites, and afforded James the prospect of support from many persons of distinction hitherto unfriendly to his cause.

Some of the nobility who had been instrumental in promoting the treaty, disappointed of the emoluments and honours which they expected as the reward of their services, expressed sentiments of penitence and recantation; and gave intimation to the friends of the chevalier, of their readiness to co-operate in demolishing their own work, by the desperate exploit of dethroning the queen, or changing the succession. The Cameronians, and not a few of the members of the established church, fearful of the fatal consequences of subjection to a legislature in which the interests of episcopacy preponderated, began to discover a spirit of insurrection, and, provided they could obtain sufficient security for the protection of the presbyterian religion, they professed their willingness to transfer their allegiance to the hereditary prince, and even to take an active part in fixing him upon the throne<sup>47</sup>.

These circumstances, so flattering to their hopes, were communicated to Lewis by his agents in Scotland, and particularly by colonel Hooke, who had been sent over to hold consultations with the leaders of the Jacobites, and to close with any feasible proposals for seating the chevalier upon the throne of his fathers. It was represented to Hooke, that if Lewis would consent to transport the pretender into Scotland with eight thousand men and fifteen thousand stand of arms, and to supply him with a hundred thousand pistoles, £.75,000.

<sup>47</sup> Hooke, passim.

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his friends there would undertake to raise an armed force of twenty-five thousand foot and five thousand horse. The places most convenient for the rendezvous of their men were specified, and the plan of their operations was described. It was proposed, that the insurgents, upon receiving the reinforcements demanded from France, should march to Newcastle, which, being weakly fortified, would easily fall into their hands, and reduce the metropolis to the utmost distress, by preventing its being supplied with coals. The unprotected state of England, from the absence of the troops, the favourable disposition of many of the people, the secret good wishes of some of the present ministers, and the discontents of the Irish, afforded the most solid ground for expecting the speedy and cordial submission of all the three kingdoms to the authority of their rightful sovereign<sup>48</sup>. But though their highest expectations might not be immediately fulfilled, it seemed probable that the queen, alarmed by the prospect of a civil war, and not altogether dead to the impulse of natural affection, would gladly listen to some reasonable plan of accommodation with her brother, and that his claim, in that case, might obtain the sanction of legislative authority<sup>49</sup>. Calculating, however, upon the failure of all these hopes, there still remained a certain and abundant recompence to the French king for his interposition. The recall of the British troops from the Netherlands, and the subversion of public credit in England, upon which the supplies and activity of all the confederate powers chiefly depended, would operate to the advantage of the French arms in every quarter. These considerations were stated in a memorial subscribed by four noblemen and six gentlemen of large property and influence, and delivered to colonel Hooke for the inspection of Lewis; but many besides the subscribers were privy to the consultations with the

<sup>48</sup> Ker, vol. i. p. 57. 61. 67. Macpherson's five hundred in Scotland. Lockhart, p. 364, 5. State Papers, 1707, 8. Lockhart, p. 366. <sup>49</sup> Berwick, vol. ii. p. 56. Sir J. Clerk's MSS. There were only, at this time, five thousand regular troops in England, and two thousand

colonel,

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colonel, and assured him of their hearty assent to the engagements which it contained<sup>50</sup>.

Whether it was owing to the French king's being displeased with the peremptory demand for a pecuniary supply, inserted in the memorial contrary to the advice of his agent, who thought that it implied an unbecoming distrust of his master's generosity<sup>51</sup>, or that Lewis himself was suspicious of the sincerity and influence of his correspondents, or doubtful of the scheme redounding materially to his own advantage, he still hesitated for some time about complying with their solicitations.

The fortune of the war, as well as the state of Scotland, at length determined him to favour an insurrection there. The evacuation of the Milanese, and the recovery of Arragon and Valencia, circumscribed the scene of military operations on the continent, and put Lewis in a better condition for sparing a part of his troops; while the attempt made upon Toulon, by the instigation of the court of England, suggested the idea of retaliating, by a descent upon the coast of Scotland. In the prosecution of this design, twelve battalions, under the command of the marquis de Gace and the young chevalier, set sail from Dunkirk with a fleet of eight large ships of war, and twenty-four frigates, besides transports and long-boats<sup>52</sup>. The command of the fleet was intrusted to the count de Forbin, whose late success, more than his cordiality in the service, encouraged the hopes of the projectors of this expedition<sup>53</sup>. This fleet put to sea on the 6th of March, and arrived on the 13th at the

<sup>50</sup> Hooke, p. 83, passim. Macpherson's State Papers, 1708.

<sup>51</sup> Hooke, 56—60.

<sup>52</sup> When the French king bid the pretender farewell, he said he hoped never to see him again. Mr. Dayrolle, the English resident at the Hague, in a letter to Mr. Secretary Boyle, 24th April, N. S. 1708, mentions the report of a letter having been intercepted from the pope to one Vandenbourghla, a banished jesuit in the United Provinces, declaring that

the former had given assistance to the expedition; by which means he hoped to re-establish the jesuits, and to bring the provinces to what terms he pleased. Abstract of Mr. Dayrolle's Letters, MSS. This fact is also mentioned in a letter, 19th April, from Mr. Palmer, resident at Berlin, to Mr. Secretary Boyle. Abstract of Mr. Palmer's Letters from Berlin to Mr. Secretary Boyle, MSS.

<sup>53</sup> Villars, tom. iii. p. 119. Forbin.

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7th April.

mouth of the Frith of Forth, which the commander intended to enter and to land the troops at Dunbar or Leith; but being informed of the near approach of sir George Byng, with a fleet far superior to his own, he steered along the north coast of Scotland. Sir George pursued and took the Salisbury, an English prize in the French service; and finding it impossible to come up with the rest, he returned, and lay at anchor in the road of Leith, till he received intelligence of Forbin's having got back to Dunkirk."

The effects of this abortive expedition evince, that the expectations founded upon it were far from being visionary and presumptuous; and that, if it had been conducted with wisdom, and sustained by an adequate force, it might have proved extremely injurious to England and her allies. The court was appalled, and a panic and confusion spread over all the kingdom. The reinforcements, destined for Spain, were countermanded; several regiments were ordered to march with the utmost dispatch into Scotland; the English troops in the Netherlands were directed to be in readiness to embark at Ostend for England; and an unprecedented run upon the bank alarmed the exchequer, and disturbed the foreign remittances."

The allies had obtained certain information of the French king's intention to push the war with the greatest vigour in the Netherlands; and that the invasion of Scotland had been projected with a view to draw off the English forces from that quarter. Though that expedition had failed, the hopes of Lewis were still upheld by the superiority of his army, and by his confidence in the success of his intrigues, carried on for recovering the towns in the Spanish

<sup>54</sup> Lockhart, 369. Letters of Berniere. Hooke, p. 137. Quincy, tom. v. p. 479. 482. Lives of the Admirals, vol. iii. p. 186. Letter of De Gace to M. Chamillard. Sir George's fleet consisted of forty ships of the line besides frigates.

<sup>55</sup> Cunningham, vol. ii. p. 154. Hooke, p. 218. Sir John Clerk, who was in London at this time, says, "that the consternation

" was very great, and the reason of it was, " the great men were jealous of one another; " for nobody imagined that the pretender " would venture over, merely for the encouragement he had in Scotland." Sir J. Clerk's MSS. The French endeavoured to keep alive this panic, by giving out, that Forbin was again to invade Scotland. Dayrole's Letters to Mr. Boyle, passim. MSS.

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Netherlands, which had been subdued by the confederates. It was therefore determined, at a private consultation held at Treves, between the duke of Marlborough, the deputies of the States, and prince Eugene, that the principal operations of the allies should be directed, in the most effectual manner, for counteracting the plans and disappointing the expectations of Lewis; and that the combined army, in the Netherlands, should be augmented by as many of the Imperialists as could be spared from the service on the Upper Rhine, by all the Hessians and Saxons in the pay of Britain, and the troops of the elector palatine."

As this plan, however wisely concerted, tended to diminish the emperor's army on the Upper Rhine, and to expose his frontiers, it was foreseen that objections would be made to it both by him and the elector of Hanover, whose reputation, as a general, depended upon the force under his command. But these were happily surmounted by the interposition of the duke of Marlborough and prince Eugene. The former waited upon the elector, and the latter visited the court of Vienna; and, by address and arguments, prevailed upon both to acquiesce in their scheme of the war as most conducive to the united interests of the allies."

The duke of Marlborough, on his return from Hanover, repaired to the camp at Billingen, which he appointed for the rendezvous of the troops. Though it had been secretly agreed, that prince Eugene was to join the duke with a large reinforcement, yet it was given out that the former was to act with a separate army on the Moselle, which obliged the duke of Berwick to remain there with a considerable force". The duke of Vendosme, having assembled the French and Spanish troops at Mons, advanced to Soignies, within a

26th May.

<sup>56</sup> Lediard, vol. ii. p. 10. The elector engaged to employ all his troops in the service of the confederates, upon the condition of the emperor's investing him with the palatinate, of which he had deprived the elector of Bavaria.

<sup>57</sup> Dayrole's Letters to Mr. Boyle, 17th, 24th April, 1st May, MSS. The elector of Hanover would be the more easily reconciled

to this plan, on account of his son's commencing his military career under the auspices of such an illustrious patron and example as the duke of Marlborough. Hanoverian Papers, 1708.

<sup>58</sup> Military History of Prince Eugene, p. 339. Lediard, vol. ii. p. 14.

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few leagues of the confederate army, and was joined by the duke of Burgundy, appointed to the chief command<sup>59</sup>.

The two armies continued for several weeks in a state of inaction, sometimes shifting their camps, and often approaching so near as to induce the duke of Marlborough to expect an engagement, which however was artfully avoided by the French.

On the 5th of July, a small party of the French troops got possession of the town of Ghent, by a stratagem which probably never would have been attempted, had not they been encouraged by the previous assurance of a favourable reception from the inhabitants. Half a dozen of soldiers, pretending to have deserted from the French camp, were admitted into the town by the citizens, whose turn it was to be upon guard; more followed upon the same pretext, and at length the brigadier, who had formerly been a magistrate in the place, entered with a small body of troops, and, by mere threats overawing all resistance, took possession of the town in the name of king Philip<sup>60</sup>. The governor of the castle also surrendered it upon terms of capitulation. The same detachment next proceeded to Bruges, where the gates were thrown open to them; and fort Plaffendal, on the canal leading from that town to Ostend, was taken by assault<sup>61</sup>.

The duke of Marlborough, suspecting the enemy's intentions, had sent out a detachment to cover Ghent; but the rapidity of their conquests outran and frustrated any defensive interposition. This success of the French opened the near prospect of their becoming masters of Dutch Flanders; and they commenced a predatory war in the adjacent districts<sup>62</sup>.

While the duke of Vendosme was prosecuting these conquests, the count Chemerault was occupied in breaking down the bridges over the Dender and the Schelde, and had reached Oudenarde, the only

<sup>59</sup> Quincy, tom. v. p. 486.

<sup>60</sup> St. Simon, tom. vii. p. 358.

<sup>61</sup> History of the Campaign 1708, p. 65.

<sup>62</sup> Lediard, vol. ii. p. 20. Life of Argyle, p. 50.

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remaining passage over the last. The capture of this city must have cut off the communication of the allies with Menin and Courtray, and secured to the French the whole country lying between the Schelde and the Lys<sup>63</sup>. An event, so threatening to the confederates, was prevented by monsieur de Chanclos throwing himself into the town with a reinforcement of troops; and by the confederate army advancing with uncommon dispatch to Herfelingen, and getting possession of the camp of Lessines, which the French intended to occupy for covering the siege of Oudenarde<sup>64</sup>. Warm disputes now took place between the French generals, with respect to the plan to be adopted in consequence of this disappointment, and produced fluctuation and animosity, which overturned all their early success, and afforded an illustrious triumph to the confederate army. The duke of Vendosme was of opinion that the most important object was to prevent the confederates from passing the Dender; and the duke of Burgundy thought it more expedient to retreat to Ghent<sup>65</sup>.

The French had passed the Dender with the intention, as it should seem, of carrying into execution the first proposal; but this being still opposed by the duke of Burgundy, seconded by the majority of commanders, who prostituted their sentiments to flatter the vanity of a young general of royal blood, orders were suddenly issued for the army to pass the Schelde, and make good their retreat to Ghent<sup>66</sup>.

By this loss of time on the part of the French, and uncommon expedition on that of the confederates, the latter were enabled to pass

<sup>63</sup> Quincy, tom. v. p. 493.

<sup>64</sup> History of the Campaign, p. 9. Lediard, vol. ii. p. 22. Oudenarde, the metropolis of the district of that name, is in the earldom of Flanders, and situated upon the Schelde, thirteen miles south of Ghent, and thirteen N. W. of Aith; thirty-six west of Brussels, and thirty-seven north of Mons.

<sup>65</sup> Quincy, tom. v. p. 494. Id. Military History of Eugene, p. 90. St. Simon, tom.

vii. p. 312. 346.

<sup>66</sup> Letter to Horace Walpole, 12th July 1708, MSS. The accounts of the different historians, relative to this affair, are somewhat obscure; and what I have said is rather matter of conjecture, than plainly warranted by any of them. Compare Quincy, tom. v. p. 494. Life of Eugene, p. 90. Lediard, vol. ii. p. 25. Histoire de Louis, tom. vi. p. 188.

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the Schelde with little obstruction, and to get between the French army and their lines, which run from Lisle to Tournay<sup>67</sup>. In consequence of this position of the allies, an engagement was no longer a matter of choice to the enemy, whose superiority of numbers inspired them with the hopes of success, but the same jealousy between the generals, which induced the necessity of their engaging, still confounded their plans, with respect to the disposition of the troops; and disconcerted them in the moment of action. The French began the attack, and then withdrew from it. The generals alternately thwarted the orders of one another after its commencement; and, from these circumstances, the allies, though they experienced various fortune in the course of the engagement, derived a decisive advantage; and the evening coming on completely established their triumph, by the multitude of prisoners which fell into their hands<sup>68</sup>. Prince Eugene, with a detachment from the army of the Rhine, had previously joined the duke of Marlborough at Lessines, and shared in the glory of this victory. The electoral prince of Hanover, and the chevalier de St. George, fought with great valour on opposite sides at the battle of Oudenarde; and, in the decision of that event, they experienced a presage of the issue of a personal competition far more important, which was to continue during their lives<sup>69</sup>.

After

<sup>67</sup> History of the Campaign, p. 9. Quincy, tom. v. p. 495. The French army consisted of one hundred and twenty-four battalions, and one hundred and ninety-seven squadrons; that of the confederates, of one hundred and twelve battalions, and one hundred and eighty squadrons. Lediard, vol. ii. p. 25. The author of the Life of Eugene says, that the latter was not inferior to the former; and that, though it did not consist of as many battalions, it had full as many men. Military History of Eugene, p. 92.

<sup>68</sup> Id. Torcy, vol. i. p. 114. Lediard, vol. ii. p. 25. The battle of Oudenarde was so irregular, and so much interrupted by inclosures and hedges, that I could not pretend to give a description of it without running

into prolixity incompatible with the plan of this work. The loss of the enemy, by the largest account, amounted to nine thousand eight hundred prisoners, four thousand two hundred killed and wounded, and two thousand four hundred deserters. The allies had one thousand killed, and above two hundred wounded. Lediard, vol. ii. p. 31.

<sup>69</sup> The electoral prince of Hanover began the attack with the German horse, and fought sword in hand in the heat of the battle. Lediard, vol. ii. p. 26. Cunningham, vol. ii. p. 167.

"If we may believe some of the French writers, the dukes of Burgundy and Berry, and the pretender, had a great share in this battle; but, if the Dutch accounts are to be

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After the battle of Oudenarde, the French generals retreated with their shattered army to Ghent, and encamped along the canal to Bruges. The confederates passed the Lys, and were employed in levelling the French lines between Ypres and Warneton; and in raising contributions in Artois and Picardy. These depredations were avenged by the ravages of the French in Flanders. After taking the forts of Redhouse and Plaffendal, they made themselves masters of the Dutch lines at Birvleit, the inferiority of the troops there rendering it unsafe to attempt any resistance; and entered the island of Cadfand, where they destroyed many of the houses, and carried off a rich booty of cattle and provisions<sup>70</sup>.

The uncertain designs of the confederates kept the French for some time in suspense, and their penetrating into Artois and Picardy occasioned great consternation in the city of Paris. The duke of

"be credited, they, or at least the two latter  
"only beheld the engagement from the steeple  
"of an adjacent village, and consulted their  
"safety by a timely retreat." Tindal, vol. viii.  
p. 32.

I transcribe this as an example of the mean partiality of party writers. It was the fashion, both on the continent and in England, while the Hanoverian succession was depending, (I speak of the historians who were on the side of the confederacy,) to embellish every fact redounding to the honour of that family, and to suppress or misrepresent every circumstance favourable to the character of its antagonist, as if the merits of this important question had rested upon the personal qualities of the competitors. Although it may be unavailing to the unfortunate, yet every historian of candour and sensibility will be anxiously scrupulous, not to withhold any praise which appears justly due to them. Compassion is even gratified by the discovery of every fact which may have mitigated the sufferings of those persons, who, without misconduct or guilt, have been doomed to an uncommon share of disappointment and mortification. The duke of Berwick gives the following account of the behaviour of the prince at the battle of Oudenarde: " \* \* \*

"(the prince) served the campaign *incognito*  
"with the duke of Burgundy, and was pre-  
"sent at the battle of Oudenarde, where he  
"shewed much courage and keenness; and, by  
"his affability, acquired the friendship of every  
"body; for we are naturally prejudiced in fa-  
"vour of the unfortunate, especially when they  
"are so without any fault of theirs, and when,  
"in other respects, they behave themselves  
"well." Berwick, vol. ii. p. 57. See also a  
Letter from a French Officer, and a Letter  
from the Duke of Vendôme to the French  
King. If we may believe St. Simon, the be-  
haviour of the French princes to the chevalier,  
during this campaign, did little honour to  
their delicacy and feelings. They shewed him  
no more respect than as if he had been a pri-  
vate person; seldom spoke to him; and al-  
lowed him to wait in the antichamber with the  
common crowd; which gave great offence, as  
the chevalier had acquitted himself so well  
during the campaign, and obtained the esteem  
and affection of the whole army. St. Simon,  
tom. i. p. 314.

<sup>70</sup> Lediard, vol. ii. p. 48, &c. Quincy, tom. v. p. 508. History of the Campaign, p. 21.

Marlborough,

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Marlborough, if he really had any design of advancing into the interior of France, was over-ruled by the anxious importunity of prince Eugene for undertaking the siege of Lifle, which, confidering the excellence of its fortifications, and the strength of its garrison, was an enterprife of very doubtful fuccels<sup>71</sup>. While prince Eugene fat down before the town, the duke of Marlborough encamped with the main army at a convenient diftance, to cover the befieging army, and fend out detachments for convoying the artillery and provifions neceffary for its fupply; which, as the French had poffeffion of Ghent, were to be brought from Oftend, through narrow paffes and difficult roads, where they might eafily be intercepted by the enemy<sup>72</sup>.

The plan of this work does not admit of my entering into a defcription of the progrefive operations of the allies in carrying on the fiege of Lifle, nor of the many brave exploits of the defenders, which do equal honour to the commanders in both armies; and particularly to the marfhal Boufflers who conducted its defence<sup>73</sup>; and which, perhaps, render it more inftitutive to men of the military profeffion than the hiftory of any other fiege that occurs in the courfe of this war. The duke of Burgundy, reinforced by a ftrong detachment under the duke of Berwick, made various efforts for raifing the fiege, by attacking the confederates, by throwing frefh troops and provifions into the town, and attempting to cut off the reinforcements and convoys fent to the grand army; but the confpicuous good fortune, not lefs than the vigilance and intrepidity of the befiegers, prevailed againft every stratagem and affault of the enemy<sup>74</sup>. The town of Lifle furrendered upon terms of capitulation

<sup>71</sup> Quincy, tom. v. p. 510. Lifle, the capital of French Flanders, was, at that time, the emporium of trade in the Low Countries; and above all, valuable as the key to France on that fide. Prince Eugene had fifty battalions, and the duke of Marlborough fixty-five thoufand men under his command.

<sup>72</sup> Id. p. 514. Lediard, vol. ii. p. 53.

<sup>73</sup> St. Simon, vol. vii. p. 105.

<sup>74</sup> Quincy, tom. v. p. 520. Among many brave exploits performed by the befiegers, that of general Webb deferves to be particularly diftinguifhed. With a detachment of the allies, confifting of not more than fix thoufand men,

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lation after a fiege of three months, and the citadel two months after the town. The allies paid dear for this conqueft; not lefs than twelve thoufand of their troops were cut off, or perifhed in confequence of wounds and difeafe<sup>75</sup>.

While the allied army was occupied before Lifle, the French obtained poffeffion of Leffinghen and fort Dixmud<sup>76</sup>, and the elector of Bavaria advanced to Bruffels, invited by private affurances of the favourable difpofitions of the inhabitants<sup>77</sup>. Finding himfelf difappointed, he endeavoured to prevail by force, and began to bombard the city; but upon receiving intelligence, that the duke of Marlborough and prince Eugene had paffed the Schelde, and were approaching to raife the fiege, he fled with precipitancy to Namur, leaving his cannon and ammunition<sup>78</sup>.

The duke of Marlborough clofed this memorable campaign with the fiege of Ghent, which furrendered on the third day after it was attacked. Upon the news of this event, the French evacuated Bruges, Plaffendal, and Leffinghen, fo that the fuccels of the allies in the Netherlands was without any alloy or drawback at the end of the campaign 1708<sup>79</sup>.

The greateft admirers of the duke of Marlborough, who are circumftantially acquainted with his hiftory, muft candidly acknowledge, that his good fortune, as well as his merit, furpaffed that of any other general; and that he was fignally indebted to the former for the fuccelsful conclusion of this campaign. After the retreat of

men, he engaged, 27th September, a body of French troops, amounting to twenty-four thoufand, under the command of the count de la Motte, at Wynendale, which had been fent to intercept a great convoy of ammunition from Oftend to the camp of the befiegers. The battle lafted two hours, after which the French retreated, leaving between four and five thoufand dead upon the field. Nine hundred of the confederates were killed and wounded. Hiftory of the Campaign, p. 47.

<sup>75</sup> Lediard, vol. ii. p. 85. Quincy,

tom. v. p. 580. During this fiege, Auverquerque, commander of the Dutch forces, died in the camp, having been indisposed for feveral months before. He had fpend fifty campaigns in active fervice, in every one of which he acquitted himfelf with great honour.

<sup>76</sup> Quincy, tom. v. p. 588.

<sup>77</sup> Id. Barré, tom. x. p. 532.

<sup>78</sup> Kane, p. 81. Lediard, vol. ii. p. 94.

<sup>79</sup> Lediard, vol. ii. p. 121. Hiftoire de Louis, tom. vi. p. 279.

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the elector of Bavaria from Brussels, the French king sent peremptory orders to the duke of Vendosme to conduct his army into winter quarters, not thinking it possible that the duke of Marlborough could so far deviate from his wonted precaution, as to risk any enterprise of importance at such an advanced season<sup>20</sup>. Not only the failure of the attempt, but the loss of a great part of his army before Ghent, must have been the consequence of a change in the weather, an event which was highly probable, and from which, after all, he escaped by the narrowest chance. For no sooner were the articles signed, than the severest frost ever remembered there set in, and, within the space of twenty-four hours, the rivers were frozen so hard as to bear loaded waggons, and the feet of the horses were frozen to the ground<sup>21</sup>.

The campaign on the Upper Rhine passed without any enterprise upon either side worthy of record. The success of the allies in Flanders brought demands upon the elector of Bavaria for large draughts from his army, which reduced it to an equality with that of the elector of Hanover; so that the exertions of both were confined merely to the fortifying of their lines, and guarding against the dangers of stratagem or surprise.

The great preparations made by the duke of Savoy, during the winter, flattered the allies with sanguine hopes of his activity in the campaign 1708. It was even expected that he would have formed a junction with the German army on the Upper Rhine, and made an impression on the dominions of France, on the side of Alsace<sup>22</sup>. The gratification of his private interest, by making effectual his demands upon the allies, was dearer to him than either personal glory,

<sup>20</sup> Berwick, vol. ii. p. 51, 2.

<sup>21</sup> Cunningham, vol. ii. p. 192. Salmon, vol. xxvi. p. 3. This was the severest season over all Europe, remembered by any person then living. In England, the frost began the night before Christmas, and lasted with short intervals for three months; great quantities of

snow fell in that period; a great proportion of the cattle and sheep, and most of the birds, perished; and the summer which followed, being cold and wet, the crop was scanty, and a general scarcity prevailed.

<sup>22</sup> Cunningham, vol. ii. p. 193.

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or the prosperity of the common cause; and proved the occasion both of abridging the period of his services, and of directing them to objects which redounded principally to his own security and advantage. He did not put his army in motion till the end of July, when he made a feint of penetrating into Dauphiny, which drew the attention of the marshal de Villars to that quarter, and rendered it easy for the duke to take the forts of Exilles and Peroufa, and to make himself master of the valley of St. Martin and Feneftrelle, which covered Piedmont<sup>23</sup>.

When we consider how shamefully the affairs of king Charles were neglected by the rest of the allies, we are rather surprised that he should have been able to preserve the smallest remnant of authority in Spain. The emperor, far from discovering any favour to his brother, did not even afford the succours due to him, either upon the footing of justice, or from a fair calculation of the benefits which he himself might have reaped by obliging France to employ a greater proportion of her force in the distant country of Spain. So partial was the ministry to the war in the Netherlands, or rather to the enterprises of the duke of Marlborough wherever they were conducted, that the very troops, destined by the parliament for the Spanish and Portuguese service, were countermanded after embarkation, and transported to Ostend to augment the army at Lifle<sup>24</sup>.

Fortune

<sup>23</sup> Villars, tom. iii. p. 126. Histoire de Louis, tom. vi. p. 201. Some historians ascribe the duke's delay in taking the field to the severity of the weather. As it is expressly mentioned by the greater number, that he was resolved not to act till the emperor invested him with Montferrat; that he demanded his subsidy to be paid by the English and Dutch before quitting his winter quarters; and that he, at this time, fell under the suspicion of the allies, in so much that the English envoy at Turin, probably by the duke's request, pledged himself for his fidelity, I think myself warranted for the construction I have put upon his conduct. See Quincy, Tindal,

Histoire de Louis, &c. particularly Cunningham, vol. ii. p. 192. Salmon, vol. xxvi. p. 7. <sup>24</sup> Life of Argyle, p. 55. The commanders in Spain complained heavily of the disrespect which they met with from the ministers in England. The officers whom they appointed upon the spot, as the fittest, from their experience, for the service allotted them, were often superseded by raw ones sent from England. Letter from General Carpenter to Mr. St. John, 17th November 1707;—from General Stanhope to Mr. Walpole, &c. MSS. The Spanish and Portuguese horse were in poor condition; nor were magazines provided and



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Fortune was favourable to Charles this campaign. The vigilant and prudent conduct of the prince of Darmstadt kept the duke of Noailles at bay, and prevented him from attempting hostilities on the side of Girona, and the troops, afterwards detached from his army into Provence, utterly disabled him from prosecuting an offensive war. The success of sir John Leake, in taking and dispersing the ships loaded with provisions for the principal army commanded by the duke of Orleans, cramped the operations of the latter, and restricted his success to the taking the towns of Tortosa, Denia, and Alicant, and ravaging the surrounding country<sup>85</sup>.

These advantages of the French in Spain were counterbalanced by the reduction of Sardinia and Minorca. The city of Cagliari surrendered to sir J. Leake and the Conde de Fuentes, after a few bombs had been thrown into it; upon which all the deputies of the states submitted to king Charles, and gave a seasonable proof of their sincerity, by furnishing a large supply of money for his service<sup>86</sup>. As major-general Stanhope had the honour of projecting the expedition against Minorca, so the successful execution of it was principally owing to his conduct and valour<sup>87</sup>.

Little

and furnished with suitable necessaries for the campaign. Letter from General Carpenter to Mr. Walpole, Barcelona, 10th April 1708. MSS. The absence of officers in England was also a great prejudice to the service in Spain. "That matter," says general Stanhope, "is become so great a nuisance, that I must earnestly recommend it to you, to endeavour to remove it by all possible means, and to procure the officers to be sent to their posts as fast as you can, which would ease you from being importuned by their friends for preferment to those who are least deserving of it, and make others serve with more cheerfulness." Letter from General Stanhope to Mr. Walpole, Barcelona, 26th June 1708. MSS. The inadequacy of pay is also often complained of by the commanders. Letters from the same, *passim*. MSS.

<sup>85</sup> Lives of the Admirals, vol. iii. p. 191. Tindal, vol. viii. p. 106. The confidence of king Philip was now withdrawn from the duke of Orleans, from a jealousy that he had a view of obtaining the crown of Spain for himself. Philip imparted his suspicions to his grandfather, and the duke was soon after recalled. Voltaire's Age, vol. i. p. 346. Duclos, tom. i. p. 31.

<sup>86</sup> Lives of the Admirals, vol. iii. p. 193. <sup>87</sup> Id. p. 194. The author of the Life of Sir John Leake contends, that sir John was the first projector of this expedition; which, however, according to the general sense of the nation, was ascribed to general Stanhope. It is certain that the general had great expectations from the vigorous co-operations of sir John Leake; and it appears, from the event, that these were not disappointed. Letter from General

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Little was done in Portugal this season. The marquis de Fronteira, at the head of the Portuguese and English troops, opposed the French and Spanish army, commanded by the marquis de Bais in Andalusia, and offered him battle, which he declined. Moura and Serpa, abandoned by the Spaniards, were occupied by the Portuguese, and put in a state of defence; after which the latter made a successful irruption into Andalusia<sup>88</sup>.

The pope having discovered a great partiality to the French interest, the emperor renewed several claims upon his dominions, which induced him to make preparations for his defence. The Imperial troops entered the ecclesiastical states, and made great ravages there; and the English fleet appearing at the same time upon the Italian coast to second their allies, his holiness was reluctantly constrained to submit to the demands of the emperor, and to acknowledge his brother as king of Spain<sup>89</sup>.

The naval affairs of England were prosperous during this campaign. In consequence of the late inquiry in parliament concerning the management of the navy, greater attention than formerly had been paid to provide the merchant ships with convoys, and their loss was inconsiderable.

Commodore Wager watched the Spanish galleons with persevering vigilance; and at length came up with them at Carthagen. An engagement ensued, in which the Spanish admiral ship blew up, and the rear admiral struck to the English<sup>90</sup>.

Prince George of Denmark, having languished for several months under a complicated disorder of asthma and dropsy, expired on the 28th October 1708, in the 56th of his age. This prince was more distinguished by the goodness of his dispositions, than by any natural or improved talents. He was modest, interfered little in public affairs during the three preceding reigns, and never devoted himself

General Stanhope to Mr. Walpole, Barcelona, 26th June, 1708. MSS. Walpole Papers.

<sup>88</sup> Histoire de Louis, tom. vi. p. 203.

<sup>89</sup> Idem.

<sup>90</sup> Id. 205.

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to any party. Although he felt a partiality for the Tories on account of their services to the prince, yet his gratitude never betrayed him into any excess of complaisance to them, inconsistent with propriety and honour: for he maintained, perhaps, as much as was possible in his station, a neutrality in all those disputes which related merely to the interests of contending factions; and in the general tenour of his conduct, displayed a prudent accommodation to the state of public affairs. The important station of lord high admiral, to which he was promoted at the queen's accession, rather detracted from that esteem to which his private virtues would have entitled him, had he been contented with mere honorary dignity. His inexperience in business, his ignorance of the characters of men and of English manners, and a diffidence of his own abilities, which ought to have restrained him from accepting any public office, rendered him entirely dependent upon the advice of others, who abused the ascendancy they had acquired over him to the prejudice of that department with which he was intrusted<sup>91</sup>.

<sup>91</sup> The earl of Pembroke was promoted, 25th November, to the office of lord high admiral, and the earl of Wharton succeeded him as lord-lieutenant of Ireland, and lord Somers as president of the council.

One very important regulation was introduced into the naval service during the prince's administration; namely, the preferring the

captains of the navy to the rank of admirals according to seniority. This was imputed to the advice of sir David Mitchel, one of the prince's council, who had been pressed into the service when a boy; and having risen to the highest rank without any recommendation but merit, employed his influence to reward it in others. MS. Characters.

*Circumstances favourable to the Whigs at the General Election.—Second Parliament of Britain.—Addresses.—Partiality of the Whigs in deciding the Controverted Elections.—Cases from Scotland—of Lord Haddow—of the Duke of Queensberry.—Bill for the Naturalization of Foreign Protestants.—Arguments.—The Treason Laws of England extended to Scotland.—Supplies.—The Army augmented.—The Duke of Marlborough thanked.—General Webb thanked.—A remarkable Address to the Queen.—A Pamphlet against the Test condemned.—Act for preserving the Privileges of Foreign Ambassadors.—Singular Circumstances which gave rise to it.—Act against laying Wagers on the Events of the War.—Act of Grace.—Parliament prorogued.—The Convocation not permitted to proceed in Business.—Campaign 1709.—Distress of France—renders the King anxious for Peace.—Negotiations for that Purpose.—Conferences between the French and Dutch Ministers at the Hague.—The Duke of Marlborough and Lord Townshend sent there as Plenipotentiaries for England.—Extravagant Demands of the Dutch and English.—Preliminaries—objected to by the French King.—Exertions made by France for continuing the War.—Motions of the Confederate Troops under the Duke of Marlborough.—Siege of Tournay.—Operations of Villars.—Progress of the Duke of Marlborough after the Surrender of Tournay.—Siege of Mons.—Battle of Malplaquet.—Mons taken.—Campaign on the Upper Rhine—in Italy—in Spain.—Naval Affairs.—Renewal of Negotiations for Peace.—The Barrier Treaty.*

VARIOUS circumstances concurred to render the influence of the Whigs, in the course of the elections, more powerful than it had been at any former period since the commencement of this reign. Their late triumph over their antagonists seemed to give them a stability independent of the sovereign; and the disposal of places, vacant by dismissal and the death of prince George, enabled them to augment their strength, and to consummate the union of

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of administration'. The recent attempt of an invasion, and the detection of conspiracies, stimulated the friends of the protestant succession to exert their interest in support of the whig candidates, who were known to be anxiously vigilant for its security'. The influence of the court was now entirely occupied by the junto, which had driven from the presence of the queen those secret counsellors who might have availed themselves of her name for opposing the elections of ministerial favourites.

The inclinations of the ministers were less consulted in the Scottish elections. The pre-eminent influence of the duke of Queensberry had given offence to some of the nobility, who had been highly serviceable to the court by their exertions to promote the union; and was now resisted by a keen opposition to the candidates recommended by him'. In the list of the representatives from Scotland, there were the names of several commoners hostile to the present administration; and even of persons suspected of being unfriendly to the revolution settlement; but their influence was not felt in the scale against the weight of whig interest.

Her majesty being rendered incapable of attending to public duty by her late domestic affliction, commissioners were appointed for representing her person during the ensuing session of parliament, which commenced on the 18th November 1708'. The commons made choice of sir Richard Onslow for their speaker, whose experience, great abilities, and zeal for the protestant succession, as well as his independent fortune, rendered him eminently qualified for that high station. The chancellor, after having signified her majesty's entire

\* Life of Bolingbroke, p. 123.

† In some counties, the whig members received the thanks of their constituents; and, upon their being re-elected, instructions were given them in conformity to the whig principles. Impartial View, &c. p. 121.

‡ Tindal, vol. viii. p. 166. Cunningham,

vol. ii. p. 70.

\* The archbishop of Canterbury, the lord high chancellor, the lord high treasurer, the lord steward of her majesty's household, and the grand master of the horse, were appointed, by a commission under the great seal, to represent the royal person.

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satisfaction with this choice, addressed both houses in her name to the following purpose. The great success of the last campaign was mentioned as tending to reduce the power of France, and to attain a durable peace. The vigorous prosecution of the war, and unanimity in all their proceedings, were recommended as the most effectual means for obtaining these desirable ends. The extended conquests of the allies were urged as an argument for more liberal supplies, and the augmentation of the army. The prosecution of such measures, as might still farther contribute to the improvement of the union, was suggested; and particularly bringing the criminal laws of both kingdoms to a nearer agreement; and settling the militia on the same footing. Her majesty gave them the strongest assurances of her inclination to concur in every proposal for the benefit of trade and manufactures; and expressed her hopes to defeat the designs of the pretender, and all the enemies of the union and protestant succession.

Both houses presented addresses to the queen, expressing condolence with her domestic affliction, and congratulations upon the public success.

The partiality of the Whigs, in every decision relative to the elections, was shameful beyond any former precedent; and must have fixed an appropriate stain upon the character of the party, had it not afforded their opponents a pretext for retaliating, in their turn of power, now approaching with a celerity which they themselves little expected.

In the appeals from the elections in Scotland, two cases occurred of distinguished importance, in the decision of which party matters were not supposed to have any influence. Lord Haddow and lord Johnstone, both of them eldest sons of peers, were returned as repre-

\* Sir Simon Harcourt was dismissed from his seat, though he had a clear majority of the votes of the electors in the burgh of Abington, upon the charge of indirect practices, of which no proof was even adduced. Cunningham, vol. ii. p. 218. Appendix to Annals of Anne, 1708, N° 21.

sentatives

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representatives from the commons; and after a full discussion of the Scottish laws, which regulated the elections previous to the union, were rejected upon the ground of incapacity<sup>6</sup>. The other case related to the privilege of the Scottish peers. The duke of Queensberry, during the interval of parliament, had been created an English peer; and at the election of the peers in Scotland had voted both for himself, and as a proxy. Some of the disappointed candidates, who were prejudiced by his votes, objected to his right, and brought the question before the house of lords. It did not escape the English commissioners at the union, that a peculiar advantage was given to those who were peers of both kingdoms, by recognising their privilege to vote in the election for the representatives of the Scottish peerage; but this point had been yielded, because few of the nobility came under that description; and it was taken for granted that their number was incapable of any future increase. If the crown was still to retain the power of conferring the double prerogative, both of a personal and representative voice in the legislature, it would not only create a great inequality of political influence among the members of the same legislative body, but abridge the rights of the electing, and represented peers. From the force of this argument, a majority of the house of lords agreed to set aside the duke of Queensberry's votes<sup>7</sup>.

<sup>6</sup> The act of the Scottish parliament, for settling the election of members to the British parliament, expressly provided, that none should be capable of electing, or being elected, as commissioners of shires and burghs, excepting such as were already capable. The sons of peers were ineligible according to the usage of the Scottish parliament: had it not been for this restraint, the peers of Scotland, from the extent of their jurisdictions and superiorities, would have monopolized the political power in that kingdom.

<sup>7</sup> By the act concerning the election of the peers in Scotland, it was expressly provided, that such peers of Scotland, as were also

peers of England, should sign their proxies or lists by the title of their peerage in Scotland; Journals Lords, 11th February 1707; by which clause, the right of voting at the election of the peers of Scotland was reserved for those who were also peers of England. Although the question was now decided against the duke of Queensberry; yet it should seem that the ground of decision had been extremely doubtful, since it has been lately revived after an interval of eighty years, and differently determined. Journals Lords, 23d May 1793. See Blackstone's Commentaries, published by Christian, vol. i. p. 97.

A bill

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A bill was introduced in the house of commons, 5th February, for the naturalization of foreign protestants. As few questions are more intimately connected with the principles of morality and jurisprudence, so the debates upon it run out into great length; and introduced a variety of interesting and ingenious topics.

The instinctive benevolence of the heart, independent of any argumentative discussion, naturally excites unfavourable suspicions against that policy which fetters beneficence, or excludes any description of men from a full participation of the advantages of the community with which they happen to be blended. The principles, the sufferings, and the merits of foreign protestants, suggested the most powerful reasons for recognising them as fellow-citizens; and for imparting to them all the benefits of the British constitution. They had renounced the endearments of their native land for the sake of that religion, which was the basis of the prosperity and glory of England; and which had been a principal object of her laws, policy, treaties, alliances, and wars, for the two preceding centuries. The protection which England had hitherto vouchsafed to foreign refugees, so honourable to herself, had been amply requited by the substantial services which she had received from them. By their invention and industry many valuable manufactures had been introduced and improved, which extended the commerce of England, and turned the balance in her favour to the prejudice of France. To their exertions the revolution settlement had been deeply indebted, as they were the foremost to support the credit of the new government by depositing their money in the funds<sup>8</sup>, so that it would be ungrateful to withhold the happy fruits of it from their friends who had lately arrived in England. That the increase of population constituted the true strength and riches of a nation had been generally admitted as a sound political maxim; and it was peculiarly fortu-

<sup>8</sup> The foreign protestants, according to a part of the whole flock. Annals Anne, 1708, moderate computation, had a million and a p. 302. half in the funds, which was then above a 20th

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nate for Britain, that, by the accession of new inhabitants, she had the opportunity of repairing the waste occasioned by a long and destructive war. The example of the Dutch<sup>9</sup>, who best understood the interest of a commercial nation, and of the king of Prussia, a sagacious prince, who gave every encouragement to foreigners to settle in their dominions, upbraided the hesitation of the British legislature about adopting a measure, recommended by the strongest motives of generosity and prudence.

The opposers of this bill contended, that the British constitution would be endangered by the influx of a multitude, who, from indelible prejudices, might be expected to retain a secret predilection for the laws and interests of those foreign states from which they came; that a stagnation in the sale of manufactures, occasioned by the war, left no prospect of subsistence to adoptive citizens, but by encroaching upon the employments of the natives, who would thereby be consigned to idleness and poverty; that a general naturalization bill would allure an host of mendicant strangers, who must soon become an insupportable burden upon the parishes, already oppressed by an enormous tax for the maintenance of their own poor<sup>10</sup>; that the customs would sustain a considerable diminution by the loss of the additional duties, now exacted from alien merchants<sup>11</sup>; and that the national stock would be impaired by their transferring, to their relations abroad, the estates which they acquired under the boon of British freedom<sup>12</sup>.

<sup>9</sup> The States of Holland, hearing of the naturalization bill in England, published a placard for the general naturalization of foreign protestants, declaring that none of their relations in France should have any right to claim their effects after their death. *Monthly Mercury*, July, October, 1709.

<sup>10</sup> The expence of maintaining the poor in England, at the time of the union, amounted to above one million per annum. *Enquiry into the Reasonableness of the Union*, p. 113.

<sup>11</sup> Certain duties for package, &c. of the

goods of all merchants, who were strangers, had been granted to the city of London by divers royal charters and acts of parliament; upon which account the city petitioned the commons to be heard by their council against the bill, which was granted; but, upon examination, the duties were found to be so inconsiderable, that this objection had no influence in obstructing the bill. *Journals Commons*, 18th February 1709.

<sup>12</sup> Tindal, vol. viii. p. 168. Salmon, vol. xxvi. p. 22.

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The bill was carried by a great majority in the house of commons: it met with opposition in the house of lords, and a few entered their dissent against it<sup>13</sup>.

An inquiry into the state of the nation, as it had been suggested by the intended invasion, so it was well calculated to furnish the party in opposition with specious grounds for arraigning the conduct of administration, and subverting their credit with the people. In the house of commons, the debates upon this subject were conducted with temper and moderation, and accompanied with emphatical testimonies of respect for the persons in power. The opposing lords expatiated upon the danger of the nation, from the machinations of foreign enemies, and from internal treachery; and even insinuated that some of the ministers were not only culpable for their remissness, but for a clandestine co-operation with the principal agents in the late conspiracy<sup>14</sup>. The ministers were charged, directly and openly, with having been negligent in procuring information; dilatory in forming and executing proper measures of defence; and notoriously criminal on account of the deficiency of troops and warlike stores in Scotland. These charges were confidently advanced, and propagated with great industry among the people in periodical

<sup>13</sup> *Journals Lords*, February.

<sup>14</sup> Lord Heverham's Speech. It has been asserted by some late historians, that the marquis of Annandale had at this time in his possession a letter written by lord Godolphin to the court of St. Germans; and that he was prevailed upon to deliver it to the earl of Wharton; and that both these noblemen turned this discovery to their private advantage; the former, by obtaining the ministerial influence in support of his election as one of the peers from Scotland; the latter, by obtaining the appointment to the lord-lieutenancy of Ireland. The act of grace, which took place this session, has been represented to be the effect of this discovery, as it was the only means of screening the treasurer from the vengeance of the law. *Macpherson*, vol. ii.

p. 371. *Hamilton's Transactions*, p. 111.

The premiums, conferred upon these two noblemen, will hardly account for the suppression of such an interesting secret; for, though the act of grace might save the treasurer's head, his character was still at the mercy of the trustees. The bare mention of the fact, and the industrious propagation of it in the private circles of company, would have brought upon him such a torrent of reproach, as must have swept him and all his friends from the seats of power. The earl of Wharton was not distinguished for steadiness of principle, delicacy of honour, or warmth of friendship; the only motives which can account for his profound silence upon this subject, and the questionable shape in which it has been transmitted to us.

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publications; but they were not supported with sufficient proof, nor was the business brought to any definitive conclusion in the house of lords. The commons entered into resolutions, expressive of their decided approbation of the measures and conduct of the ministers with respect to the invasion<sup>15</sup>.

Although this inquiry was not productive of the effects intended by those who moved it, yet it opened such discoveries of the arbitrary treatment of individuals in Scotland who had fallen under suspicion, as suggested alterations in the treason laws of that kingdom, equally necessary for maintaining the liberty of the subject, and the safety of the government. Upon the news of an invasion, many persons had been apprehended without any sufficient presumption of guilt having appeared against them, and some of them carried prisoners to London, which exposed them to great expence and inconvenience<sup>16</sup>. Others had been brought to trial in violation of those forms, which, according to the opinion of respectable Scottish lawyers, were indispensable in criminal cases. It was hence inferred, that the ministers in Scotland had made the public apprehensions subservient to their own personal resentments; and that unwarrantable severities had been exercised against their political opponents and private enemies. But whatever foundation there might be for these aspersions, it was evident, from a disagreement in the opinions of those who were best acquainted with the laws and proceedings of the judicatories in Scotland, that the former were so ambiguous, and the latter so vague and fluctuating, as easily to become instruments either of favour or oppression, according to the wishes and interests of ministers<sup>17</sup>. On these grounds a resolution was formed in the

house

<sup>15</sup> Journals Commons, 10th March.

<sup>16</sup> The duke of Gordon, the marquis of Huntly; the earls of Seaforth, Errol, Nithsdale, Marjhal, Murray; lords, Stormont, Kilguth, Drummond, Nairne, Belhaven, Sinclair, besides many gentlemen of great fortune and influence in Scotland, were brought to Lon-

don as state prisoners, April and June, 1708.

<sup>17</sup> The court of justiciary was of opinion, that the names of the witnesses ought to be intimated to the prisoners fifteen days before their trial; and sir James Stewart, the lord advocate, asserted that this was unnecessary: they complained of each other

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house of lords for altering the treason laws in Scotland, and was carried into effect by the act for improving the union of the two kingdoms. The purport of it was, to abrogate the Scottish laws, and to introduce those of England in all future trials for treason. This innovation was speciously opposed as a violation of the union, by encroaching upon the powers of the court of justiciary; and thus tending to excite alarm in the breasts of the Scots, lest the whole system of their laws should be gradually overturned, contrary to the stipulations of the treaty. Supposing that an alteration, so material as that now proposed, could be effected without infraction of the most solemn engagements contracted by the English legislature, it was asserted, that the treason laws in Scotland were preferable, in many respects, to those of England; and that the dignity of the former nation, and the interest of the two kingdoms, would be best consulted by a judicious selection from both<sup>18</sup>. A few amendments upon this bill were made in the house of commons; which, though the same in substance with what had been moved and rejected by a considerable majority in the other house, were afterwards unanimously adopted, because the bill was deemed essential to the security of the Hanoverian succession<sup>19</sup>.

In compliance with her majesty's recommendation at the opening of this session, a bill was again brought in and read in the house of commons for regulating the militia in Scotland; but, as it never went

11th and 12th  
March,

to the queen, and justified their complaints in printed memorials. Tindal, vol. viii. p. 182. Besides this ambiguity, there were glaring deficiencies in the treason laws: 1st, No time was prescribed for the pursuer to insist upon the trial. 2d, It was competent to admit witnesses inadmissible in other cases; namely, women, *famuli*, *impuberes* & *facii criminis*. Mackenzie's Criminal Law, Title vi. &c.

<sup>18</sup> Letter from a Scotch Gentleman in London to his Friend in Edinburgh, p. 7.

<sup>19</sup> Id. Journals Lords and Commons, pas-

sim. The principal amendments were, that no estate in Scotland should be forfeited upon a judgment of high treason; but this peculiar indulgence to Scotland was not to take place till after the death of the pretender; nor, upon the supposition of that event happening during the life of the queen, till three years after the house of Hanover should succeed to the crown. It was provided, that three of the justiciary judges should be named in the commission of *oyer and terminer*. To this act, Scotland is indebted for the abolition of the torture.

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1708, 9. farther, we may conclude that the whig ministers, though they still flattered the hopes of the Scottish patriots, were secretly averse to a measure which they considered to be dangerous to the protestant succession<sup>20</sup>.

26th Nov.  
12th Jan.  
18th Dec. The commons granted large supplies for carrying on the war; and voted an addition of ten thousand men to the troops already employed in the British service. That the people might be the better reconciled to the extraordinary burdens imposed upon them, addresses were presented to the queen, to lay before them the accounts of the disbursements of the sums formerly granted for making good her engagements to her allies, and for maintaining her forces in Spain; and requesting her to use her best endeavours to prevail upon the several members of the confederacy to furnish proportional additions of men for the service of the campaign 1709.

The supplies this session amounted to seven millions. The difficulty of raising so large a sum was removed by the bank of England having engaged to circulate two millions five hundred thousand pounds in exchequer bills for the use of government, upon the conditions of their charter being prolonged for twenty-one years, and of authority being granted them to double their stock<sup>21</sup>. An act was accordingly passed for this purpose. The books were opened for taking in subscriptions for the augmented fund while the act was

<sup>20</sup> When a bill for settling the militia in Scotland was afterwards brought in under the tory ministry, (Journals Commons, May and June 1714,) it was opposed by the whigs upon an avowed distrust of the loyalty of the Scottish nation. The insurrections which afterwards happened in favour of the pretender, 1715, 1745, confirmed these suspicions; so that Scotland has been hitherto deprived of a privilege, which the most enlightened patriots have ever considered as essential to national freedom and independence. Of this the Scots always complained as a national grievance and affront, till, upon passing the late act for raising the militia in Scotland, the persevering efforts of those persons, who have been la-

bouring to subvert the foundations of all order and government, fatally prevailed, in producing an entire inversion of the sentiments and prejudices of the lower ranks, and rendered them averse to a measure, the delay of which their patriotic ancestors complained of as a stain upon their honour, and an obstruction to that equal participation of privileges which was expected from the union.

<sup>21</sup> Journals Commons, 18th February, 4th, 5th March, 21st April. The stock of the bank, before this augmentation, amounted to two millions, two hundred and one thousand, one hundred and seventy-one pounds. Tindal, vol. viii. p. 160.

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yet depending, and the whole was filled up within the space of four hours; an incontestible proof of the increase of national wealth, and of the vigour of public credit<sup>22</sup>.

Both houses, in the course of this session, renewed their testimonies of applause to the duke of Marlborough, by thanking him for his illustrious services during the last campaign. A vote, which passed in the house of commons for thanking major-general Webb, was justly considered as an oblique censure upon the partiality of the duke, who, in the account he transmitted to the ministry concerning the battle of Wynecdale, had omitted the name of that general, though the success of the allies there was principally owing to his brave and skilful exertions. The rumour of an approaching peace strongly prevailing at this time, the lords and commons concurred in addressing her majesty to take care that the French king should be obliged to acknowledge her title, and the protestant succession; that the pretender should be removed from the French dominions; and that the harbour of Dunkirk should be destroyed.

An order, given by the privy council, for discontinuing the use of that form in the common-prayer book, which referred to her majesty's conjugal state<sup>23</sup>, gave occasion to an address from both houses, which, perhaps inadvertently, deviated from the delicacy and tenderness due to her present situation; and was therefore noticed by her in terms of reproof rather than of approbation. They entreated her not to indulge her grief so far as to lay aside thoughts of a second marriage; to which she replied, that, from the nature of the subject, she was persuaded they did not expect a particular answer.

A complaint being entered in the house of commons against a pamphlet, which represented the test act as a profanation of the divine institution of the Lord's Supper, it was resolved that the said pamphlet was a scandalous and seditious libel; and that it should be burnt by the hands of the common hangman. The present mi-

<sup>22</sup> Tindal, vol. viii. p. 160.

<sup>23</sup> "Make the queen, we pray thee, an happy mother of children."

nisters.

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ministers more readily concurred in this censure, to check those suspicions which their opponents now industriously disseminated of their being enemies to the ecclesiastical establishment<sup>24</sup>.

An act was passed on the 13th February for preserving the privileges of ambassadors and the ministers of foreign princes. This act arose from an indignity offered to the Russian ambassador, which occasioned no small trouble and vexation to the court of London; and became interesting to all the states of Europe, as it was the means of discovering the headstrong humour, the proud spirit, and the expanding ambition of a young prince, who now began to emerge from the obscurity and barbarism of his ancestors. The count de Mattheof, the Russian ambassador, had been arrested in the streets of London, on the 21st June 1708, at the instance of some tradesmen, to whom he owed small accounts<sup>25</sup>, and having struggled in his own defence, was dragged to a spunging house, where he remained for several hours, till he was released upon bail. He immediately wrote a letter to the secretary of state, complaining of the gross insult which he had endured; and demanding satisfaction by punishing the aggressors with the utmost severity. Great address was employed by the court to appease him, and every regular step taken to prosecute the offenders; but the ambassador, implacable and ferocious, and instigated by the rest of the foreign ministers at London, would hear of no proposal of delay or compromise. He left the kingdom with disgust and menaces, and quickly infused the indignation which he felt into the breast of his sovereign, who was the more jealous of his princely dignity from the novelty of his pretensions to it; while he anticipated that superiority to which he was soon to ascend in the scale of potentates, from the vast extent of his dominions, and the success of those lofty projects which incessantly occupied his ardent and busy mind. His displeasure was notified in

17th Dec.  
1708.<sup>24</sup> Salmon, vol. xxvi. p. 18.<sup>25</sup> The sum for which the ambassador was arrested was below a hundred pounds: he used to be punctual in his payments, and had given

orders that this sum should be discharged the next day. Addison's Letter to the Earl of Manchester, July 23d, 1708.

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an angry letter to the queen, magnifying the outrage which he had sustained in the person of his ambassador; insisting that a capital punishment should be inflicted upon all the persons concerned in it; and threatening reprisals if his demands were not complied with. It being found impossible to gratify the czar in conformity to the existing law of England, he was at length prevailed upon, by the most flattering importunity, and the uncommon civilities of the British court to two young princes who were his relations<sup>26</sup>, to accept of her majesty's expressions of deep concern for what had happened, and her promises speedily to pursue the most effectual measures for supplying the deficiency of the English laws, as the terms of his maintaining, in future, an amicable correspondence with the English nation. To testify her sincerity, the act now mentioned was framed, and intimation of it made to the Russian court by the English ambassador, with a formality and pomp highly grateful to the haughty disposition and aspiring views of his czarish majesty<sup>27</sup>.

The fondness of the English nation for gambling discovered itself at this time by such practices, as were not only ruinous to the fortunes of individuals, but pernicious to the community. Wagers were often laid upon the events of the war, and as this had an obvious tendency to induce individuals to form attachments, and to pursue schemes repugnant to the welfare of the country, and even to tempt profligate men to carry on a correspondence with the enemy, just grounds were thereby afforded for removing the temptation, by passing an act to prohibit, under the severest penalties, wagers from being laid relative to public affairs.

21st April.

<sup>26</sup> Upon the arrival of the Muscovite lords in London, the queen gave orders that they should be entertained at her charge, and attended by her officers. Monthly Mercury, Jan. 1709.<sup>27</sup> Tindal, vol. viii. p. 196. 202. The persons concerned in the arrest of the Russian ambassador were prosecuted in the court of

queen's bench by the attorney-general; and, after trial, convicted of the facts by the jury; but they were not brought up to receive judgment; because no punishment, that could have been inflicted by the law of England, would have been thought an adequate reparation by the czar. Blackstone's Commentary by Christian, vol. i. p. 255.

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The liberality of the English ministers to Scotland was again manifested by passing an act for allowing the drawback upon the exportation of beef, fish, and pork, which had been cured with foreign salt, imported there before the 1st of May 1707<sup>28</sup>.

The investigation of conspiracies, suggested by the late attempt of the pretender, led to discoveries which might have warranted prosecutions, deeply affecting the fortunes and honour of some individuals connected with every party. The impending danger of such prosecutions imposed strong temptations upon those who were conscious of guilt, to continue their endeavours for promoting that event which alone could ensure their personal safety. Hence it was represented to her majesty by her ministers, that a remission of past crimes was the most generous and the wisest measure she could pursue both for the public peace and the security of her own person and government. An act of grace was therefore sent to the house of lords on the 20th of April, and was confirmed with the utmost dispatch by both houses; which closed the business of this session.

21st April. After a speech from the lords commissioners, in her majesty's name, expressing her full approbation of their proceedings, the chancellor prorogued the parliament to 19th May 1709.

The convocation had been summoned to meet with the new parliament, but by successive prorogations was prevented from entering upon business. Some violent publications, in exculpation of those measures of the last convocation which were most offensive to her majesty, had gained many proselytes among the laity, as well as the clergy. The majority of the members returned to the present convocation were known to be of the same principles with their predecessors, and would probably have displayed, if an opportunity had been afforded them, the same captious temper, and the same contempt of their superiors; nor in such circumstances durst the mini-

<sup>28</sup> Journals Commons, 21st February.

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sters have hazarded an appeal to the people, who were now enflamed by the base artifices, and restless activity of the high church zealots<sup>29</sup>.

The situation of France, after the conclusion of the campaign 1708, exhibited a complete picture of wretchedness and despondency. The allies had become masters of most of the strong towns on her frontiers; and threatened to penetrate into the interior provinces, depopulated and incapable of defence<sup>30</sup>. A complication of domestic calamities co-operated with the ill success of their arms, and portended the near approach of others still more dreadful. The sudden vicissitudes of frost and thaw destroyed the springing corn and vines, while, from the scantiness of the preceding crop, every city and province was threatened with impending famine<sup>31</sup>. Tumults and insurrections broke out in the principal towns: the highways were infested with robbers, and the universal subversion of order was only restrained by the presence of that military force, which was destined for the prosecution of the war<sup>32</sup>.

The French ministers had already exhausted every invention for raising new taxes and encreasing their produce; and by forcing the circulation of fictitious money, had still, in some degree, maintained their internal commerce. But now, when scarcity at home obliged them to resort to foreign markets, the people felt the extremity of distress. The public bankruptcy was evident to surrounding nations, and, more than the most splendid victories, encouraged the hopes of their enemies.

<sup>29</sup> Annals Anne, p. 257.

<sup>30</sup> Torcy, vol. i. p. 213. Lond. 1757.

<sup>31</sup> Quincy, tom. vi. p. 132. The effects of famine, with respect to depopulation, are strongly illustrated by the following facts. The births in Paris, which had amounted to sixteen thousand, nine hundred and ten, in the year 1709, in the year 1710, did not exceed thirteen thousand, six hundred and thirty-four; and in 1711, they rose to sixteen thousand, five hundred and ninety-three. The number

of deaths in Paris, in 1709, was twenty nine thousand, two hundred and eighty-eight; in 1710, twenty-three thousand, three hundred and eighty-nine; in 1711, and several succeeding years, it did not exceed sixteen thousand. In the year 1709, the number of marriages decreased in the proportion of one-fourth, compared with ordinary years. Buffon's Supplement, tom. iv. p. 278.

<sup>32</sup> Histoire de Louis, tom. vi. p. 303.

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In these deplorable circumstances the court and the people coalesced in the same wishes and views. Peace, upon any terms, was the only expedient for rescuing a perishing multitude, and establishing a tottering throne. The intoxicating chimera of universal empire vanished: the question was not now, whether France should be victorious, or how far she should extend her dominion, but whether she should exist as an independent kingdom, and bear a name among the nations<sup>33</sup>.

The French king availed himself of the proffered interposition of monsieur Pettekum, resident of the duke of Holstein Gottorp at the Hague, to communicate to Heinsius, the grand pensionary, and Vander Dussen, the pensionary of Gouda, his earnest desire of renewing negotiations for peace. Intimation was at the same time made to them by monsieur Bergheick, the Spanish minister at Paris, that he had received instructions from his master, to offer the States whatever conditions they should demand for the security of their trade, expecting by this enticement to obtain their consent to king Philip's remaining in the possession of the throne of Spain. The answer returned by the pensionaries to this intimation was peremptory and explicit: and as Pettekum had already informed the French king, that no propositions for peace would be accepted by the confederates, without the entire surrender of the Spanish monarchy, so a short memorial to the same effect was now signed by Vander Dussen, and transmitted to Bergheick<sup>34</sup>. The French king at length consented to enter into a treaty upon this basis, without the accession of his grandson. Rouillé, president of the great council, was appointed his plenipotentiary, and, having been furnished with a passport from the States, pursued his journey with great secrecy, and

<sup>33</sup> Duclos, tom. i. p. 13.

<sup>34</sup> As this memorial was often referred to in the negotiations, it is necessary that the reader should attend to it: "The count of Bergheick must know, that unless he makes the same offers, as those heretofore made, of

"Spain and the Indies, of the Milanese and the Netherlands, together with what has been added, as also a favourable treaty of commerce, there can be no talking to him with any confidence upon the other preliminary articles." Torcy, vol. i. p. 121.

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arrived at Stryensé Sas, opposite to Moerdike, on the 17th March 1709, where he was received by Vander Dussen, and de Buys the pensionary of Amsterdam<sup>35</sup>.

At the opening of the conferences, the Dutch deputies examined Rouillé's commission, with which they were perfectly satisfied, but at the same time acknowledged, that they had not themselves received any corresponding powers from the States, as the necessary delay and formalities in obtaining them would have made the business too public, and perhaps thwarted its success<sup>36</sup>. They professed, in name of their constituents, an earnest desire for peace; but insinuated that the inclinations of the rest of the allies were more doubtful, and that a generous attention to their interests would be necessary to bring the business to a speedy and fortunate conclusion. Agreeably to these hints, demands were brought forward, during successive conferences, in behalf of the emperor, the queen of England, the king of Prussia, and the duke of Savoy, which were not comprehended in the instructions of the French plenipotentiary<sup>37</sup>. Under the same pretext of being restrained by a respect for their allies, the deputies excluded those concessions in favour of king Philip, which Lewis had understood to be tacitly implied in Vander Dussen's memorial<sup>38</sup>. For they plainly told him, that they would not be satisfied with the renunciation of Spain, the Indies, the Milanese, and the Netherlands, unless the port towns on the coast of Tuscany were added, which, together with Naples and Sicily, Lewis expected to reserve as a scanty compensation to his grandson for the sacrifices he was to

<sup>35</sup> Torcy, vol. i. p. 148.

<sup>36</sup> Idem. p. 126. 149.

<sup>37</sup> Letter from Mr. Boyle to the Duke of Marlborough, 18th, 24th May. MSS. Mr. Boyle, in a letter to the duke of Marlborough and lord Townshend, 18th May 1709, mentions her majesty's great satisfaction at the concurrence of the ministers of the States, in making such demands on the part of Great Britain, as her majesty thought necessary for the advantage of herself and her people;

and particularly for having insisted upon Newfoundland and Hudson's Bay being made an article in the preliminaries, &c. In another letter from Mr. Boyle to the duke of Manchester and lord Townshend, of the 24th May, her majesty expresses an equal concern for gratifying the desires of the duke of Savoy.

<sup>38</sup> They were not mentioned in the memorial, and therefore supposed not to be excluded.

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An account of these conferences, after they had been continued for several days, was transmitted by Rouillé to the court of France<sup>40</sup>. He now received instructions to consent to several of the propositions which had been unexpectedly brought forward by the deputies: he was authorized to desist from his first requisition of annexing Sardinia and the ports on the Tuscan coast to the two kingdoms of Naples and Sicily; to give entire satisfaction to the English with respect to the protestant succession; to make additions to a barrier for the States, upon the condition of an equivalent for some of the towns to be surrendered for that purpose; and to reserve other disputed articles to be adjusted at a general treaty<sup>41</sup>.

Although these concessions seemed to be favourably entertained, other circumstances now occurred, which threatened to perplex the negotiation, and to remove the issue of it to a great distance. The deputies themselves were not scrupulous about observing that secrecy which they had recommended to Rouillé, as essential to the accomplishment of the treaty, and the disclosure of what had passed in the conferences excited the jealousy of the leading men in the other provinces, as if de Buys and Vander Dussen had presumed too far by entering into business of such general concern, without their previous knowledge and consent. The ministers of the allied powers

<sup>39</sup> Torcy, vol. i. passim. The Dutch deputies, at the outset of the conferences, had they been left to themselves, would probably have been well pleased to procure a peace upon the condition of dismembering the Spanish monarchy, and giving a part of it to king

Philip: but the court of England was not only displeased with this concession, but angry at the deputies for having thought of it. Appendix, No XXV.

<sup>40</sup> Torcy, p. 158.

<sup>41</sup> Id.

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soon caught the same spirit, and openly threatened to disavow any measures, concerted between the French court and such a partial representation of the confederate body<sup>42</sup>. The impression of these threats upon the negotiating deputies was obvious in every subsequent conference: they became more guarded and untractable; and even drew back from certain points which had been nearly brought to a conclusion<sup>43</sup>.

In the meanwhile, the French king did not escape the suspicion of being secretly pleased with those obstacles which were likely to thwart negotiations into which, it was supposed that he had entered with reluctance. By the ministers in England, his offers were represented as an insidious attempt to divide the confederates, or to lull them into security, while he was exerting the utmost force of prerogative to recruit his shattered armies; and even concerting measures to prevent the abdication of his grandson, which was the preliminary condition of the treaty<sup>44</sup>. Constrained by the ruined condition of the country to wish for peace upon any terms, several persons of the first distinction in France were secretly jealous of the invincible ambition of their sovereign, and of his sincerity in going as far as he ought, to restore tranquillity to his exhausted subjects<sup>45</sup>. To remove these objections, and to transfer the odium of prolonging the war to his enemies, the French king adopted the resolution of sending the marquis de Torcy, his minister for foreign affairs, into Holland, with authority to make a direct application to Heinsius, and to bring under the public view the important business, which had hitherto been transacted in such a clandestine manner as to give too much ground for suspicions, and to render it impossible to judge of the intentions and conduct of the parties concerned<sup>46</sup>. The marquis, upon his arrival at the Hague, was privately introduced to Heinsius, who entered confidentially into conversation with him upon the prin-

<sup>42</sup> Torcy, vol. i. p. 172.

<sup>43</sup> Id. passim.

<sup>44</sup> Dr. Hare's Third Letter to a Tory

Member.

<sup>45</sup> Torcy, vol. i. p. 217.

<sup>46</sup> Id. p. 225.

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cipal topics of the negotiation, but still referred him to Vander Dussen and de Buys, who had acquired a responsibility by the steps which they had already taken in this business". To them de Torcy was next introduced, and permitted to send for Rouillé, whose commission was not superseded by his own; after which the various subjects, already treated of, were resumed, Heinsius and de Torcy now taking a principal share in every conference. Aware of the ascendancy which the duke of Marlborough had acquired in the councils of the States, the French plenipotentiaries were anxious to have some points settled before his return to the continent, and threw out advantageous offers with respect to the barrier and commerce of Holland, which they imagined it would be difficult for the deputies to reject without incurring the resentment of their constituents". The deputies were prepared for this snare; and, as often as the plenipotentiaries suggested such stipulations as regarded the peculiar interests of the States, they always obtruded the demands of their allies, enlarged so far beyond the foresight of the French cabinet, that they exceeded the utmost concessions which her ministers were empowered to offer". The French plenipotentiaries, now convinced that it was not in the power of the present treaters to bring any matter whatever to a final conclusion, became no less impatient than the deputies for the arrival of the duke of Marlborough; and, as they were instructed to offer him a liberal present in name of their master, did not despair of rendering him the instrument of that pacification, which, they believed, he had hitherto obstructed".

<sup>41</sup> Torcy, vol. i. p. 243.

<sup>42</sup> The duke of Marlborough was at the Hague at the beginning of the conferences between Rouillé, Vander Dussen, and de Buys; and though he did not take any part in them, yet, as it afterwards appeared, he was well acquainted with all that passed.

<sup>43</sup> Torcy, vol. i. p. 259. 268. 273.

<sup>44</sup> After the arrival of de Torcy, the conferences were carried on at the Hague. The French king authorized Torcy to offer the

duke of Marlborough two millions of livres (£. 83,333 : 6 : 8) on the condition of his securing the kingdoms of Naples and Sicily for his grandson; and the premium was to increase, in proportion as more was obtained, to the sum of four millions of livres. Torcy, vol. i. p. 299, 300. Although Torcy represents the reception which he met with from the duke as polite and even flattering, he did not find him disposed to accept of his offers. Torcy, vol. i. p. 316.

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After many weeks spent in fruitless conferences, the duke came to the Hague, accompanied by lord viscount Townshend, who was conjoined with him in a commission to act as plenipotentiaries for the queen of England, in transacting the business of a general treaty for peace.

De Torcy lost no time in paying his compliments to the duke, nor was he long left in suspense with respect to the part which that nobleman was likely to take, in a business depending so much upon his arbitration. If his external demeanour, and flattering address, excited some faint hopes of his being favorable to the views of France", these were soon overturned, when he entered upon the serious discussion of business. From his conversation it was easy to discover that the English plenipotentiaries were no strangers to the conferences which had already passed; that they were determined to support the propositions stated in behalf of the allies, while the extensive demands upon the part of the queen of England, which hitherto had been obscurely hinted, were now defined and urged as the indispensable conditions of her permitting her ministers to continue the negotiations. The subjects of the ensuing conferences, carried on by the French, Dutch, English, and Imperial ministers, after many tedious and warm debates, were at length comprised in forty preliminary articles, drawn up by the pensionary, with the approbation of his colleagues. The French plenipotentiaries declined signing them till they obtained the approbation of their master; de

<sup>45</sup> The duke of Marlborough, according to Torcy's accounts, discovered excess of complaisance in his private interviews with him: he professed the most profound respect for the French monarch; and seemed to agree with his plenipotentiary, in thinking that the demands of the deputies, with respect to Spain, were harsh and extravagant: he declared his earnest wish for an opportunity of serving the prince of Wales, for whose father he would have sacrificed the last drop of his blood.

Torcy, vol. i. p. 305, 6. 9. 16. 25. At the same time, as if it had been with the purpose of reserving to himself the privilege of contradicting these sentiments, so propitious to the hopes of France, he insinuated that lord Townshend was placed as a spy upon his conduct; and that the presence of that nobleman restrained him from giving vent to the genuine effusions of his heart. Id. p. 303. 5. 26, 27.

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Torcy



CHAP. XIV. Torcy set out for Paris, and engaged to convey his master's final answer to the deputies before the 1st of June<sup>22</sup>.

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The principal preliminaries were, that the French king should acknowledge Charles king of Spain; that if the duke of Anjou refused to consent to this, the French king and the allies should enter into measures for carrying it into effect; that the French king should withdraw all assistance from his grandson; that the Spanish monarchy should remain entire in the house of Austria, and no prince of France ever possess any part of it; that the French king should acknowledge the protestant succession. By the 10th article, the French king was required to surrender Landau to the emperor; by the 11th, to demolish New Brisach, Fort Louis, and Huningen; by the 28th, to make over to the duke of Savoy Exilles, Fenestrides, and Chaumont, with the valley of Pragelas, &c. for a barrier; by the 29th, the pretensions of the elector of Bavaria in Cologne were to be referred to a general negotiation; by the 37th, the cessation of arms was suspended upon the fulfilment of all the other articles, and particularly the 4th, namely, that the duke of Anjou should evacuate Spain within the space of two months, and that if he refused to do this, the French king and the allies should enter into proper measures for carrying it into effect.

The French king objected to five of the articles, namely, the 10th, 11th, 28th, 29th, and 37th; but at the same time instructed Rouillé, who still remained at the Hague, to express his earnest desire of coming to an accommodation with the allies, and even to suggest the probability of his departing from every other objection, excepting that which demanded such hard securities for his grandson's renouncing the Spanish monarchy. The plenipotentiaries of the allied powers remained inflexible. They would not even consent to the continuation of the conferences, nor abate the rigour of any of the articles proposed.

<sup>22</sup> Torcy, vol. i. p. 302. 352. Letters Townshend to Mr. Secretary Boyle, passim. from the Duke of Marlborough and Lord MSS.

CHAP. XIV. The preliminaries, as they stood, were ratified by the queen of England and the States; and to give new vigour to the grand alliance, the terms of it were solemnly recognised, and renewed by its respective members<sup>23</sup>.

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The negotiations for peace being at an end, the French king had recourse to every expedient for soothing the disappointment, and cherishing the loyalty of his people. He addressed circular letters to all the provincial governors in France, complaining of the exorbitant demands of the allies, as utterly subversive of his own honour and the independence of his people; and professing to commit himself and his cause to their affections, and the protection of a righteous Providence. The king of Spain published a manifesto to the same purpose, and engaging to spend the last drop of his blood in defence of his right<sup>24</sup>.

In seasons of public emergency, the change of ministers has often proved a successful expedient for composing the tumults, and reviving the hopes of a distracted and desponding people; and of reconciling them to hardships, which they would no longer have endured under rulers, who by ill conduct or misfortunes have lost the public confidence. The French king dismissed the director general of the finances, and the secretary for the war, and appointed successors to them, whose genius and popularity were well adapted to the extraordinary exertions, required in their respective departments at this alarming crisis<sup>25</sup>.

<sup>23</sup> Her majesty wrote a letter to the States, expressing her approbation of their firmness, and the just resentment which they had discovered on account of the insincerity of the French king; and she intreated them to concur with her in the most vigorous efforts for reducing the power of France. Letter to the States General, 23d December 1709. MS.

<sup>24</sup> Quincy, tom. vi. p. 143. Monthly Mercury, August 1709. From an intercepted letter of Chamillard to the duke of Berwick,

it appears, that the French king had laid his account with submitting to the most mortifying conditions, and even abandoning the king of Spain; and, from another letter of the French king to the Pope, it also appears, that the king of Spain was willing to give up the Milanese, Naples, and Sicily, with the rest of the Mediterranean islands, to the archduke.

Prior's History, p. 261.

<sup>25</sup> Quincy, tom. vi. p. 143.

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The indignation, excited against the allies on account of the insolence of their demands, was productive of uncommon efforts for relieving the pecuniary distresses of the crown. The presidents and counsellors of the parliament of Paris offered voluntary contributions; and their example was followed by all the provincial parliaments. Many of the nobility, and of the rich merchants and burghesses, sent their silver plate to the mint; and as the king devoted his to the same purpose, the quantity of specie was suddenly increased, while the general scarcity and dearth of provisions filled the army with recruits, who could not otherwise obtain the means of subsistence<sup>56</sup>.

On the 21st June, the confederate armies, under the duke of Marlborough and prince Eugene, consisting of above a hundred thousand men, drew up on the plain before Lille. If these commanders had formed any design of penetrating into France, which was apprehended from the menaces thrown out by the deputies during the conferences at the Hague, the accounts which they received of the strong and extensive entrenchments of the army under the marshal Villars, between Quincey and Douay, probably determined them to suspend its execution; and to begin their military operations with the siege of Tournay<sup>57</sup>. Although it was the strongest town in Flanders, the weak state of the garrison, in consequence of the detachments which had been drawn from it for the grand army, encouraged them to hope that this siege would not long interrupt the original plan of the campaign. The city surrendered three weeks after the opening of the trenches.

The attack of the citadel, which was surrounded with mines, produced some of the most tremendous incidents that occur in the annals of war. Parties of the besiegers were often suddenly blown up by the springing of the mines; sometimes they perished by the more protracted agony of suffocation; and sometimes the soldiers, from

<sup>56</sup> Histoire de Louis, tom. vi. p. 303. St. Simon, tom. vii. p. 109.

<sup>57</sup> Quincy, tom. vi. p. 154. Lediard, vol. ii. p. 144.

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the garrison and the camp, met under ground, while exploring these subterraneous passages, and attacked each other with the blunt instruments of spades and pick axes. No wonder that the brave veterans, who had often, without dismay, confronted the manifest terrors of open battle, shrunk from a service so awful from the strange and occult dangers to which it exposed them<sup>58</sup>. The citadel of Tournay did not surrender until the 3d September.

The marshal Villars, having received considerable reinforcements from the army on the Rhine, during the above siege, sent a detachment of eight thousand men to pass the Dyle, and attack Warneton, which surrendered without resistance; and the garrison, consisting of seven hundred men, were made prisoners of war. This post however was soon after abandoned upon the approach of the allied army<sup>59</sup>.

After the surrender of Tournay, the duke of Marlborough dispatched the prince of Hesse to secure the passage of the Haine, and to attempt to get possession of the enemy's lines, between that river and the Sambre. These objects the prince effected without bloodshed, the French having abandoned their lines as soon as they heard of his intention<sup>60</sup>. The marshal Villars, suspecting the duke of Marlborough's design of sitting down before Mons, moved with the whole of his army towards that city; but the confederates, having quickly followed the prince of Hesse, arrived before him. Villars had, however, advanced as far as Malplaquet, and made choice of a situation for his camp, which, from its natural strength, seemed to secure him against any sudden attack, while its proximity to Mons might afford him an opportunity of annoying the besieging army, and preventing its success. Attending to the posture of the French camp, in which their army was prepared for action without any

<sup>58</sup> Quincy, tom. vi. p. 181. Salmo vol. xxvi. p. 56, 7. The allies had above four thousand men killed and wounded during the siege of the town and citadel of Tournay.

<sup>59</sup> Quincy, tom. vi. p. 159. Histoire de Louis, tom. vi. p. 354.

<sup>60</sup> Lediard, vol. ii. p. 163.

change

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change of its disposition, we rather wonder at the temerity of the allies attempting to engage it, than at the immense loss of men by which they purchased the name of victory at Malplaquet. Their wings were placed behind two thick and deep woods; the right behind Lagniere, which had a morass in its front, and the left behind Sart. The centre was posted on rising ground in the opening between the back of the woods, with the cavalry behind it<sup>61</sup>. To render their situation more secure, several lines of trenches were thrown up, and covered with trees; and some pieces of cannon placed in the front of the camp. Some of the infantry were also stationed in the woods, in front of the wings, and some in their skirts upon the sides of the opening or plain. The confederate army had encamped in the plain, adjoining to the bottom of the opening between the woods. The armies were so near, that a cannonading and skirmishes between them immediately took place; and it was determined by the principal commanders of the allies, to make an attack upon the French lines without delay. The hazard appeared so great, that the Dutch deputies, with their wonted caution, remonstrated against the attempt; but there was no choice, except compliance, or raising the siege of Mons, which would have been rendered impracticable, had the enemy been permitted to remain in a post so convenient for intercepting provisions, and making advantageous attacks upon the besiegers.

The description of an engagement, which lasted above five hours with various turns of success, would lead me into prolixity, unpleasant to readers who are not critically studious of military operations. Let it suffice to observe, that the success of the allies in dislodging the French, for considering the orderly retreat of the latter and their

<sup>61</sup> Quincy, tom. vi. p. 188. St. Simon, tom. v. p. 555. Lediard, vol. ii. p. 165. Quincy, tom. vi. p. 190. From the plans of the ground on which the battle was fought, drawn by different hands, it appears, that these woods had various names; that upon the right

being also called *Merte* wood; that on the left *Tesnières*, &c. Compare History of Europe, Lediard, Quincy, &c. This battle is sometimes called the battle of Malplaquet, and sometimes Blaregnies; both these places being near the spot where it was fought.

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own immense loss it hardly deserves the name of a victory, seems to have been principally owing to the following causes: The left wing of the allies passed the morass, which covered the right of the French, with ease and expedition surprising to both armies, and constrained the latter to fall back upon their entrenchments and centre, which occasioned derangement and consternation among the enemy at the commencement of the action. The allies, who were superior in number<sup>62</sup>, brought up fresh troops upon the centre of the enemy, weakened by the detachments which were sent to sustain the right wing, hard pressed by the confederate troops which had thus suddenly passed the morass<sup>63</sup>. The left wing of the French fought with great intrepidity under the marshal Villars, and was likely to prevail against the confederates, who were falling in great numbers, when the news of the general's being dangerously wounded spread a sudden depression among them, arrested their progress, and finally decided the fortune of the day<sup>64</sup>.

This was the most obstinate and bloody battle that occurred in the whole course of the war; and, if the greater loss of men may be reckoned among the proofs of a defeat, the pretensions of the confederates to victory appear extremely dubious. Almost the whole of the Dutch infantry were cut off in the field; and the joint loss of the allies, including killed and wounded, amounted, at the lowest computation, to eighteen, while the loss of the French probably did not exceed fifteen thousand men<sup>65</sup>.

<sup>62</sup> The allies had an army of eighty thousand; the French were between sixty and seventy thousand.

<sup>63</sup> The merit of passing the morass was ascribed to the intrepidity of the duke of Argyle, who led on the British troops in the right wing; (*Life of Argyle*, p. 59.) and the breaking the centre of the enemy to the good conduct of major-general Cadogan.

<sup>64</sup> Villars, tom. iii. p. 146. Feuquieres, vol. ii. p. 178. Barré, tom. 10. p. 557. St. Simon, vol. v. p. 311. 454.

<sup>65</sup> Lediard, vol. ii. p. 171. Military His-

tory of Eugene, p. 147. Quincy, tom. vi. p. 201. The victory of Malplaquet is an instance of the singular good fortune of the duke of Marlborough. It is admitted by his friends, that his engaging the enemy there, was one of the rarest enterprises of his life; and that the success, if such it might be called, was, in a great measure, owing to the accident of Villars being wounded. The chevalier de St. George exerted himself with great bravery in the left wing, endeavouring to make it maintain its ground. St. Simon, tom. v. p. 465.

After

CHAP. XIV. 1709. After this engagement, the French army retreated to Valenciennes; and the allies met with no obstruction in carrying on the siege of Mons, which surrendered on the 21st October<sup>66</sup>.

The campaign on the Upper Rhine afforded the allies no occasion of triumph. The French kept within their lines, which the weak condition of the army under the duke of Hanover rendered him unable to attack. The only enterprise of active hostility, advised by him, terminated fatally for the Germans. The count de Merci was dispatched with a considerable detachment from the duke's camp across the Rhine, to penetrate into Franche Comte; but having lost 26th Aug. two thousand men in a sharp engagement with the count de Borgh, he was forced to retreat and repass the river<sup>67</sup>.

The reluctance with which the emperor granted the investiture of the Milanese to the duke of Savoy, and the restrictions annexed to it, so much exasperated that prince, that he declined taking the field in person; which broke the spirit of his native troops, and retarded the progress of the campaign in Piedmont<sup>68</sup>. Count Thaurin, who succeeded to the command of the Italian army, obtained a few slight advantages by marching into Savoy; defeating a body of the enemy at Conflans; forcing them to evacuate several of their strong posts; and making himself master of the village and castle of Annecy, which he soon abandoned for want of provisions<sup>69</sup>. This transitory success of the count was counterbalanced by a victory of the French over general Rebender, who, at the head of another detachment of the Italian army, had advanced as far as Mount Genevre, with a design of laying Val de Praz under contributions. He lost above seven hundred men on the spot, and four hundred were made prisoners<sup>70</sup>.

In Spain and Portugal, the arms of the united sovereigns rather gained ground upon those of the allies. The castle of Alicant, after

<sup>66</sup> Tindal, vol. viii. p. 276. By getting possession of Mons, the allies were enabled to cover Brabant, which before was exposed to the incursions of the French.

<sup>67</sup> Quincy, tom. vi. p. 230.

<sup>68</sup> Tindal, vol. viii. p. 284.

<sup>69</sup> Histoire de Louis, tom. vi. p. 408.

Berwick, vol. ii. p. 74.

<sup>70</sup> Idem, p. 80.

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CHAP. XIV. 1709. a long defence, which did the highest honour to the gallantry of the governor and garrison, was forced to surrender on terms of capitulation<sup>71</sup>. The marquis de Bais obtained a complete victory over the English and Portuguese, commanded by the earl of Galway and the marquis de Fronteira on the Caya, near Badajox. He next intended to invest Olivenza; but the arrival of the English before Cadiz occasioned the diversion of a part of his force, and enabled the Portuguese to throw fresh supplies into the town; so that the only fruits of his victory, were the getting possession of a few castles, and exacting contributions in the adjacent country<sup>72</sup>.

In Catalonia, marshal Staremberg passed the Segra, and reduced the towns of Balaguer and Agen<sup>73</sup>.

August.

The operations of the navy, in the course of the campaign, were both splendid and important. The merchantmen were every where defended with great bravery, sometimes against superior force; and several privateers and rich prizes were brought into the English ports<sup>74</sup>. The Mediterranean fleet, by taking a great number of the ships loaded with provisions and stores for the French army, impeded its operations, and enabled that of king Charles to keep the field; which would have been impracticable had these supplies been received by the enemy<sup>75</sup>.

The fort of St. John in Newfoundland was reduced by the sieur de Saintovide, which proved ruinous to the English settlement in that quarter<sup>76</sup>.

<sup>71</sup> The garrison had made an excellent defence, having stood the blowing up of a mine charged with twelve hundred barrels of powder, which shook the whole rock, and overset one part of the castle; in the ruins of which, many brave officers, and a multitude of private men perished. Notwithstanding this shock, they still defended themselves, and bore the greatest hardships with cheerfulness, till they were reduced to the utmost extremity from the want of water and provisions. Letter from General Stanhope to Mr. Walpole, Alicant Road, 21st April, 1709. MSS.

<sup>72</sup> Histoire de Louis, tom. vi. p. 410.

<sup>73</sup> Id. History of Europe, 1709, p. 267. A great part of the garrison of Balaguer entered into the service of the allies, notwithstanding their having capitulated for permission to march to Barcelona. Letter from General Carpenter to Mr. Walpole, Camp at Balaguer, September 1st, 1709. MSS.

<sup>74</sup> Lives of the Admirals, vol. iii. p. 216. & passim.

<sup>75</sup> Id. p. 230.

<sup>76</sup> Id. p. 236.

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The chevalier Parente with a few frigates made himself master of Gambia, an English colony on the coast of Africa, and took several rich prizes on the island of San Thomã, which were the property of the Portuguese<sup>77</sup>.

Although the allies gained two important cities on the frontier, and boasted of a victory at Malplaquet, during this campaign, yet their success was a poor compensation for the vast expence of continuing the war, and the loss of thirty-five thousand men in the field; and was far unequal to those fond expectations which had been founded upon the depressed condition of the enemy at the conclusion of the last campaign. The grand army had failed in their project of advancing into the interior of France, which had been held forth to prolong the patience of that party, in Holland and in England, which regretted the failure of the negotiations for peace. Great hopes had been also raised by a plan of the German and Italian armies forming a junction, and over-running Alsace; which was frustrated, as we have seen, by the ill condition of the former, and the languid and dilatory motions of the latter<sup>78</sup>.

Although the negotiations at the Hague had proved abortive, yet there were circumstances which encouraged the French king to continue his endeavours for peace. His plenipotentiaries, during their residence in Holland, had discovered, that it was ardently desired by the great body of the people; and that even those, who approved of the conduct of the deputies in rejecting his offers, were deluded by suspicions artfully infused into their minds concerning his insincerity, as well as by exaggerated expectations of the success of the ensuing campaign. The Dutch ministers, in the discussion of ques-

<sup>77</sup> Quiney, tom. vi. p. 299.

<sup>78</sup> The jealousy which had hitherto arisen from the growing power of the king of Sweden was now removed. The czar marched against him with a superior army to Pultowa, which Charles had besieged. The latter, notwithstanding his inferior force, resolved to venture a battle, in which he was completely defeated,

and the greatest part of his army cut off or made prisoners. 8th July. He fled into the Turkish dominions, and settled under the protection of the Sultan, at Bender. King Augustus now reclaimed the crown of Poland, which he had resigned by constraint; and marched into Poland against Stanislaus, who was still supported by the Swedes.

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tions relative to the interests of the States, during the conferences, could not conceal their jealousy of the ascendancy of the English plenipotentiaries; and Torcy was fully convinced, that the obstructions, hitherto thrown in the way of the treaty, had all come from that quarter. At the same time the French king was not ignorant that the private inclinations of the queen of England were pacific; and that the party which thwarted them was declining in her favour<sup>79</sup>. From these considerations, notwithstanding the recall of Rouillé, he still kept up a clandestine correspondence with the ministers of the States; and even flattered himself with the hopes of its terminating in more favourable terms for himself, than those which had been offered, without effect, at the general conferences<sup>80</sup>.

In spite of the most earnest remonstrances from the English court, several letters passed between Torcy and Pettekum<sup>81</sup>; and the pensionary and the deputies were consulted by the latter with respect to their contents. They referred principally to the thirty-seventh article of the preliminaries, and the security for the performance of it. The French king now offered to surrender three towns of Flanders into the hands of the allies, upon the condition of his naming them, and he afterwards agreed to leave the choice of them to the allies with the exception of Cambray; but the deputies insisted that he should also give up three towns in Spain, to which he objected, because they were not under his dominion<sup>82</sup>. The English plenipotentiaries, who were consulted on every step by the deputies, availed themselves of this circumstance, to interrupt, for some time, a correspondence of which they disapproved; and as the surrender of the Spanish towns

<sup>79</sup> Torcy, passim. Villars, tom. iii. p. 155.

<sup>80</sup> Torcy.

<sup>81</sup> Letters from Lord Townshend to Mr. Boyle, 26th July, 2d August. Letter from Mr. Boyle to Lord Townshend, 11th October.

<sup>82</sup> Torcy, vol. ii. p. 8, 9, 11. Letters of

Lord Townshend, 9th, 13th August. The pensionary was inclined to accept of the offer made by Lewis, of surrendering the towns as an effectual means for obtaining the whole Spanish monarchy to king Charles. Sept. 3, 1709. Appendix, N° XXVI.

was deemed the only effectual measure for enforcing king Philip's renunciation of that monarchy, so the refusal of Lewis to agree to it was held an unquestionable proof of his insincerity. He still, however, continued his applications to Pettekum; he offered to bind himself, under the severest penalties, to prevent his subjects from giving any assistance to his grandson<sup>83</sup>, he signified his inclination to consent to any reasonable expedient for removing every difficulty with respect to the thirty-seventh article; and that he might have a fair opportunity of evincing his sincerity, he urged his willingness, either to send one of his ministers into Holland, or to receive any person appointed by the States for renewing the negotiations<sup>84</sup>. This request was backed with the following proposals, that all the articles should be signed as they stood; that the three towns in Flanders should be delivered into the hands of the allies as a security for the thirty-seventh article; and that a secret one should be subjoined, obliging himself to add three towns more, in case the Spanish monarchy was not surrendered to king Charles within the space of two months<sup>85</sup>. Although these proposals had every appearance of candour and sincerity, the court of England still persisted in its endeavours to persuade Heinsius and the deputies to reject them<sup>86</sup>. Great jealousies and discontents had been excited in every province by the servility with which the States had hitherto submitted to the councils of her ally; and those who were in the management of affairs utterly despaired of bringing the people to submit to new burdens till every expedient had been tried for restoring peace. In this critical situation of the country, Heinsius represented to the English plenipotentiaries the impossibility of complying with their desire; and that not only his own private

<sup>83</sup> Letter of Lord Townshend, 30th August. MSS.

<sup>84</sup> Id. 15th October. Letter of the Duke of Marlborough to Lord Sunderland, 8th November. MSS.

<sup>85</sup> Torcy, vol. ii. passim.

<sup>86</sup> Letter of Lord Sunderland to Lord Townshend, 13th September. Letter of Lord Townshend to Lord Sunderland, 18th October. MSS.

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interest, but that of the party which had hitherto adhered to England, would be entirely subverted, should he neglect to embrace one or other of the alternatives proposed by the French king. That of sending Pettekum to Paris was adopted as the safest, because it removed the business to the greatest distance from the knowledge and interference of the disaffected members of the States, increasing in numbers and popularity<sup>87</sup>.

The success of Pettekum's negotiations, after his arrival at Paris, was not such as either tended to justify the opinion of those who had been advocates for the sincerity of Lewis, or to afford any prospect of compromising the disputed points, which had hitherto stopped the progress of the treaty. The French king now began to flinch from the proposals communicated to the deputies through the intervention of Pettekum. He proposed that the negotiations should be carried on upon a new footing, instead of treating upon the articles as they formerly stood; though he still professed his willingness to adhere to the substance of them<sup>88</sup>. In just resentment of this conduct, the States recalled Pettekum, and published a representation of facts, inviting all the confederates to co-operate with extraordinary exertions to prosecute the war.

The English ministers had foreseen the difficulties which were likely to occur in the course of these negotiations, from the present temper of the Dutch; nor was it to be expected, that even those among them who befriended England could be so indifferent to the interest of their own country, as to refuse the advantageous terms which had been tendered by the court of France, without the prospect of some recompence from their ally. To hold forth such a

<sup>87</sup> Letters of Lord Townshend to the Duke of Marlborough, passim. Letter of the Duke of Marlborough, 8th November. Id. 5th November. MSS.

<sup>88</sup> Letter from Lord Townshend to Mr. Boyle, 10th December. MSS. Lewis expected that the recent disturbances in Poland

would consequentially affect the empire, and weaken and distract the allies; while, at the same time, the affairs of king Philip began to assume a more favourable aspect. Letter of Lord Townshend to Mr. Boyle, 10th December. MSS.

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prospect, the duke of Marlborough and lord Townshend were empowered to enter into a treaty with the States, of which the leading objects were, binding them, on the one part, to become guarantees for the protestant succession to the throne of Britain, and the English, on the other, to secure an extensive barrier for the Dutch<sup>89</sup>. Although individuals in the British cabinet might think the guarantee of the States highly important to the security of the protestant succession<sup>90</sup>, there can be little doubt that the control and management of the depending negotiations had the principal weight with those who finally advised the barrier treaty. From the scheme of it, the business, or duty of the agents for the different parties was not equally obvious and easy. The stipulation required by Britain, that the States should guarantee the protestant succession, was explicit and complete. It required no immediate explanation, nor did it lay a foundation for any future dispute: whereas the condition required by the States, that England should guarantee a sufficient barrier for them, being general and indefinite, might imply different degrees of obligation, and admit of various constructions, according to the prejudices and fortunes of the parties concerned.

In proportion as the French king made concessions, the States still rose in their demands with respect to the barrier, till at length the English cabinet, however anxious to maintain a good correspondence with their allies, found it necessary to transmit to the plenipotentiaries a specification of the towns and privileges which they were willing to secure to the States; and beyond which, they were determined, upon no account, to advance. The States, however, had too much experience of the flexibility and complaisance of their ally, to acquiesce in its declared ultimatum with respect to the bar-

<sup>89</sup> Instructions to the Duke of Marlborough and Lord Townshend, 2d May, 1709. The barrier, which was specified in these instructions, and to be insisted upon as a condition of peace, was the towns and forts of Furnes, Knoque, Ipres, Menin, Lisle, Tournay, Con-

de, Valenciennes, and Maubeuge.

<sup>90</sup> Lord Somers and lord Halifax suggested the barrier treaty to their whig friends, principally with a view to the interest of the protestant succession.

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rier. The approaching journey of Pettekum to Paris gave a fresh alarm to the English plenipotentiaries: the ministers of the States were wavering, and on the point of yielding to the popular voice, more clamorous than ever for peace. Lord Townshend rather chose to hazard something upon his own head, than to forego the fruits of that address, with which he had hitherto conducted the negotiation<sup>91</sup>. He concluded a treaty, by which the States obtained such a barrier as not only exceeded the instructions transmitted to him from his constituents, but seemed exceptionable on account of its being hurtful to the commerce of England, and the established rights of some of the confederate powers<sup>92</sup>.

<sup>91</sup> Letter from Lord Townshend to Mr. Boyle, 9th August. Contradictory accounts are given by the party-writers of the times concerning the date of the instructions of the ministers to the plenipotentiaries, or what is commonly called, the *counter-project*. Compare the Barrier Treaty vindicated, p. 156, 195, with the preface to the Remarks on the Barrier Treaty. Lond. 1712. The first author asserts, that the counter-project was formed before the preliminary treaty; the latter, that a project of treaty was first transmitted from Holland; but being disapproved of by the court of England, a new one, with several alterations, was sent back to lord Townshend. As the title implies, that the counter-project was of a later date; and the censure passed upon lord Townshend, by the house of lords, proceeds upon the same supposition, I have admitted this to be the fact. At the same time, we can hardly suppose the ministers to have been ignorant of lord Townshend's desire finally to gratify the extravagant demands of the States.

<sup>92</sup> See the Sentiments of Prince Eugene and Count de Sinfendorff, and the Representations of the English Ministers at Bruges. The treaty consisted of twenty-one articles. The

1st, 2d, 16th, 17th, 18th, 20th, referred solely to the guarantee of the protestant succession; the other articles to the Dutch barrier, or the interest of the States alone, unless it be supposed that England had also a separate interest in the barrier, as affecting the balance of power and the protestant succession.

The States were by no means forward to engage themselves as securities for the protestant succession; and declined doing it when it was proposed to them by lord Halifax two years before. They doubted of the queen's being sincere in the wishes she expressed for that event; and were afraid that their having any concern in it might embroil them with England and France upon the death of the queen. Cunningham, vol. ii. p. 268. The later resolutions of the British parliament, which farther secured the protestant succession removed their fears, and the value of the premium, a barrier, "which," the duke of Marlborough says, in a letter to lord Sunderland, "inclosed a great kingdom," inspired the States with a zeal for the Hanoverian succession which they did not feel during the first years of the war.

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*Observations on the State Parties.—The Interest of the Whig Junto declines—Causes of it.—Dr. Sacheverel—His Character—Preaches before the Lord Mayor—Effects of his Sermon—Consultations of the Ministers about it—The Doctor impeached—The Exertions of his Friends,—and the Delay of his Trial—favourable to him—Account of the Trial—Consequences of it—Turbulence of the People—Influence of the Doctor—Rejoicing upon his Acquittal.—Summary View of the Proceedings of Parliament, Session 1709, 10.—Campaign 1710.—Duke of Vendosme comes up with a Body of the Confederates, commanded by General Stanhope, at Brihuega—The General and all his Men made Prisoners.—Battle of Villa Viciosa.—Staremborg retreats to Catalonia.—Prosperity of the Affairs of King Philip.—Success of the Marquis de Bais in Portugal—He prevents the Junction of the Portuguese with General Staremborg—Takes Miranda, &c.—Naval Affairs.*

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THE whig junto had now arrived at the summit of power, and possessed every advantage for retaining it. Having dismissed from the public service all those persons, who were suspected of interfering with their councils, or aspiring at an independent interest, they had nothing to fear from the secret displeasure of the sovereign, and the intrigues of her domestics, destitute of any official authority. They had appeased friends fretted by former disappointments in the disposal of the offices vacated by their opponents, and brought into action the whole collected force of their party. A decided superiority in the house of commons, and the confidence of the monied interest, enabled them to prosecute the war with a vigour and prosperity, which redounded to the increase of their reputation and popularity.

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From the review of these circumstances, there appeared little reason for suspecting any near revolution in the state of power, or any change of public measures. In proportion, however, to the influence of popular opinion in any government, the posture of political power and the tenor of public measures must ever be precarious and mutable. There cannot be a fairer criterion for ascertaining the extent of democratic influence in the British constitution, than an appeal to the multiplied examples which occur in our own history of the irresistible force of popular opinion in controlling the will of the sovereign, subverting the authority of a predominant faction, and entirely changing the complexion of state affairs. When we have surveyed that turn of sentiment, which was naturally promoted in the minds of the people by the state of the country, and a variety of circumstances which occurred during the recess of parliament, we shall be fully prepared to expect those remarkable changes which happened relative to parties and measures in the subsequent period of this reign.

I. The recent experience and feelings of the great body of the people contributed, gradually, to the abatement of that ardour with which they had entered into the war; and at length excited an impatience for securing the fruits of conquest by a solid peace. The national antipathy to France, and apprehensions, by no means unfounded, concerning the danger of the protestant religion and the liberties of England, rendered the war popular at its commencement, and diffused general impressions of the wisdom and patriotism of the ministers who had advised it. The interesting events of successive campaigns occupied the attention and gratified the curiosity of the public; the brilliant victories of the duke of Marlborough reflected a lustre upon the nation, and flattered the general expectation of soon obtaining a peace upon terms the most favourable to the prosperity of Britain and her allies. But when the war came to be protracted beyond the utmost term prescribed by its advisers, and re-

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peated victories, the most fatal to the armies of the French king, neither exhausted his resources, nor subdued his spirit; when the affairs of Charles declined in Spain, and the dethronement of Philip, a principal object of the confederacy, receded farther from view, and yet was insisted upon as the indispensable condition of peace; when the supplies, for every successive campaign, advanced in an accumulated proportion; and the enormous weight of taxes not only obstructed the channels of gain, and contracted the indulgences of luxury, but required a sacrifice of those moderate accommodations of life which were the fruits of patient labour and rigid economy; the enthusiasm for the war began to give place to murmurs and complaints; which were easily wrought up into an odium against the ministers, who were accused of measures unfriendly to the interest and desire of the nation<sup>1</sup>.

Many circumstances concurred to nourish this spirit of discontent, and to quicken it into action. The non-performance of engagements, of which the allies had been repeatedly convicted, notwithstanding the superior advantages procured to them by that success to which England had most profusely contributed, excited disgust and impatience for a separation of interests<sup>2</sup>. The rapacious disposition and unprecedented emoluments of the general tarnished the honour of his matchless talents in the field, and of his eminent services to his country. The overgrown fortunes of other individuals who had

<sup>1</sup> Memoirs of the four last Years of Queen Anne, p. 56. London, 1742. Cunningham, vol. ii. p. 340. Trade in every branch had declined; many of the principal shops and warehouses in the city were shut up, and the number of bankrupts exceeded any former example. Reasons for putting a speedy End to the War, p. 18. Lond. 1711.

The burden of the war was, comparatively, but little felt for the first six years after its commencement. The ways and means, imposed for paying the national debt after the

peace of Ryswick, were prolonged: thus, instead of expiring in the year 1706, when it was computed that the principal and interest of five millions would have been discharged, they were continued four years longer by the first parliament of the queen; and few additional taxes were laid on by the whig ministers till the last year of their being in power. History of the four last Years of the Queen, p. 163. Lond. 1758.

<sup>2</sup> Life of Bolingbroke, p. 157.

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been employed in the public service, imprudently and ostentatiously displayed, excited envious suspicions of the partiality and extravagance of those ministers, under whose patronage they had been acquired<sup>4</sup>. The fruitless result of the late negotiations, notwithstanding the concessions made by the French king, evinced the disinclination of the present ministers to put an end to the war; and constrained impartial men to associate that event with their dismissal.

The general anxiety for peace, promoted by arguments adapted to the understanding and the interests of every class, was heightened by the impulse of affections and feelings, which daily grew more universal and interesting from the prolongation of the war. The prodigious waste of lives in every campaign, by the sword and disease, plunged many families into the deepest affliction. Under the predominancy of passion, the judgment is unwarily deceived; and in the agony of grief, the innocent cause of it often becomes the object of horror and resentment<sup>5</sup>. Estimating the expediency of the war by their own sensibility and sufferings, rather than by public considerations, and forgetting the sentiments which perhaps they entertained at its commencement, the generality of the people listened, with a prejudiced ear, to every calumny insinuated against those who advised or conducted measures incidentally productive of the most direful effects. All such readily joined in the clamour against the treasurer and the general; and considered every exertion within their sphere to clog and obstruct the war, as a dutiful testimony of affection towards their friends, who had prematurely fallen; as well as an act of kindness to their fellow citizens, whose happiness was involved in the escape and safety of relations, who still remained in the scene of danger.

<sup>4</sup> Letter from a Foreign Minister to Mons. Pettekum. Lond. 1710.

<sup>5</sup> One of the agents of the court of St. Germain's, in a letter to the earl of Middleton, 3d November 1711, says, that when he was

last winter in England, he saw so much of the disposition of the people, that if all were to be polled, nine in ten would absolutely vote for peace. Stuart Papers, 1711. Macpherson.

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The loss of men, occasioned by the war, and aversion to its continuance, rendered it impossible to supply the army, as formerly, with volunteers; and imposed upon the ministers the necessity of having recourse to a sort of legal coercion, by exacting a certain number of recruits from every parish in proportion to its population. Though this measure had obtained the sanction of the legislature, yet its novelty and violence furnished the disaffected with additional matter of complaint, and aggravated the very evils which suggested the adoption of it. The justices of peace discovered great reluctance in superintending the execution of the law, when it could not be done without the interposition of military force, and was attended with personal danger; and some of them yielded to the fury of the mob, and discharged the persons who had been taken up and enrolled by the commissioners acting under the authority of parliament<sup>6</sup>. The general opposition and tumults of the people at length increased to such a pitch, that her majesty was advised by her privy council to publish a proclamation for suspending the operation of the act till the meeting of parliament<sup>7</sup>. The progress of this business exhibited to the court and the ministers a mortifying demonstration of the universal disgust at the war, and the increasing difficulties of carrying it on.

9th June.

2. The scarcity and high price of provisions, occasioned by the rigour of the preceding season, fostered a spirit of discontent and turbulence among the lower ranks; and rendered them more prone to imbibe those unfavourable apprehensions of national affairs, which were infused into their minds by the industry of factious men, and the enemies of administration. Of all the calamities which afflict the human race, famine is the most alarming and dreadful; and though it arises from causes which earthly potentates cannot control,

<sup>6</sup> An order was issued by the privy council for expunging the names of those justices out of the commission of the peace, and for prosecuting them in terms of law.

<sup>7</sup> Journals Commons, 23d December 1708.

Annals Anne, 1708, p. 272. Id. 1709, p. 158. The execution of this act gave her majesty great uneasiness, and made her more impatient for the restoration of peace. Conduct of her late Majesty, p. 24.

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yet no engine has been more frequently and successfully employed to embroil communities, and to disturb and overturn the existing governments. In such a crisis, every circumstance that seems to aggravate the popular distress, by withholding the mitigation or retarding the removal of it, is eagerly urged, and rashly admitted, as a proof of the hardheartedness or incapacity of those who have the misfortune to be vested with power, and to direct public measures. The effects of the unfruitful season, distressful in every part of Europe, were felt with aggravated severity in the frontier districts of Germany, where the soil is rocky and barren, and where the husbandmen had been so often interrupted in their labours by invasion, and robbed of their scanty harvest by the ravages of war. The absolute want of all the necessaries of life left no alternative to the miserable inhabitants of the Palatinate, but passive resignation to a lingering death, or relinquishing their native land, and throwing themselves entirely upon the compassion of strangers. The bill for the naturalization of foreign protestants, together with the merit of having suffered for the sake of their religion, naturally made these wretched emigrants turn their eyes to the British shore, as the place of their desired refuge; and, for the honour of our country, did no more than give a legal sanction to that seasonable hospitality, which must have flowed spontaneous from the philanthropy of English hearts. Above five thousand German refugees, mostly palatines, arrived in England in the beginning of the summer 1709, emaciated with hunger, destitute of cloaths and every comfort of life. A general commiseration was immediately excited, and produced speedy and effectual exertions for removing that misery which was the visitation of Providence, and nowise imputable to idleness or misconduct. The queen granted the refugees eighty thousand pounds out of the treasury, together with a liberal donation from her private purse; and ordered tents from the tower for lodging them in the fields around the suburbs of London. Many wealthy individuals ministered to their relief by contributions of money, food, and cloaths;

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cloaths; and others, whose moderate fortunes did not permit the indulgence of gratuitous liberality, devised channels of beneficence not less efficient, by furnishing them with various kinds of work, adapted to their strength and wonted occupations, which they performed with such dexterity, and for such moderate wages, as abundantly rewarded the kindness of their employers. But lest those resources, flowing from the good dispositions and exertions of a limited, though wealthy and populous district, should have proved inadequate to remove sufferings of such extent, and that no part of the community might be excluded from sharing in the honour of so benevolent a deed, a royal brief was published, appointing collections to be made through the whole kingdom; and empowering commissioners to receive and distribute the money arising from them. The bishops directed letters to the clergy of their several dioceses, enforcing the royal recommendation with an affectionate energy, exceedingly becoming the spirit of that religion of which they were the public guardians.

26th June.

Though it be the province of the historian to exhibit a true statement of facts, whatever inferences may be drawn from them with respect to the character of human nature, yet it must afford him singular satisfaction, when, adhering to fidelity, he enjoys the opportunity of delineating those dispositions and actions, which redound to the honour of his species, and attract the applause and imitation of his readers. He must, on the other hand, be mortified by reflecting that in the series of public events such opportunities occur so seldom; and that, like the fleeting gleams of sun-shine in a day of tempest, they must soon give way to those dark shades which predominate so much in the pictures of human life. If any apology be necessary for moralizing, in a work professedly historical, that apology will be suggested by the unpleasant transition of sensations which arise from pursuing the sequel of an event so consonant to the noblest feelings of the heart. A more shocking example of the venom of political

\* Annals Anne, 1709. Appendix, N° III.

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rancour can hardly be imagined, than what was at this time displayed by the leaders of a disappointed faction, who not only put the most odious construction upon the charity patronised by their antagonists, but laboured, with a malignant spite, to expose the unhappy objects of it to the persecution of a misguided populace. They were compared to the locusts of old, sent in the wrath of heaven to consume the fruits of a fertile land; and to consign its guilty inhabitants to want and destruction. It was said, that they had been imported by the ministers, to eat up the bread and the harvest of the industrious natives, that, by breaking their spirits, they might become a prey to the tyranny of their oppressors; and that the naturalization bill was intended to pave the way for those guests, to commit legalized depredation upon British subjects. The immediate reduction of the price of labour, in the field and in manufactures, occasioned by such a sudden increase of industrious workmen, rendered the lower ranks more susceptible of every misrepresentation to the prejudice of the poor strangers; and at length provoked such open rudeness and insult, as rendered it unsafe for them to remain in the country. The greatest part of them were transported to the English colonies; several to Ireland; and some, who were suspected of being Roman catholics, were sent back into Holland.

3. Of all the incentives to discord, agitated at this period, none were more banefully successful than those which wrought upon the religious prejudices of the people. Although king William rescued the church of England from imminent destruction, he had not sat many months upon the throne, before some of her most zealous friends grew jealous of the sincerity and firmness of his attachment to her interests. His laudable endeavours for extending religious liberty furnished the high church clergy, and the party out of power, with specious grounds for fomenting suspicions subversive of that grati-

\* Annals Anne, 1709, p. 166. Cunningham, vol. ii. p. 147. 216, 17. Pamphlet of the Times. Among the refugees, there were many husbandmen, schoolmasters, and tradesmen of every kind. Annals Anne, 1709, p. 167. Salmon, a tory historian, calls them beggars, who understood neither our manufactures nor husbandry; vol. xxvi. p. 65.

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tude and confidence which were due for his important services. If William had, upon any occasion, concealed his principles, or countenanced measures repugnant to them; or if he had ever flattered the high church party, who enjoyed their turn of power, with promises of favour which he did not perform, the industry of factious men must at length have succeeded in ripening the latent murmurs of bigotry into active and tumultuary violence. In the reign of his successor, whose prejudices were all upon their side, the high church men and the Tories anticipated an ascendancy at court, which they were resolved to occupy for promoting every measure tending to the security of the establishment, and the exclusive and permanent pre-eminence of its friends. The first experiment of their power proved abortive and disheartening. By the loss of the bill against occasional conformity, they were made sensible, that they had calculated too fondly upon the patronage of the sovereign; and that they could not depend upon her steadiness in prosecuting measures, which, though agreeable to her private inclinations, were likely to meet with determined opposition from any considerable body of her subjects. The very ground upon which the Tories were discomfited at this time, they still kept in view, as the most favourable for renewing their attacks upon that interest, which, to their utter mortification, grew more firm and potent under a sovereign, on whom all their hopes had depended. From her desertion, they inferred a new argument for founding the alarm of danger, and mustering a very powerful force upon their side, ready to stand forth in defence of the church at every hazard. The great body of the people in England were members of the establishment; and as the Roman catholics upon the one side, so the dissenters upon the other, were viewed with jealousy and ill-will, which had occasionally been brought into action against the one or other of these sects, according to the nearness and magnitude of the danger apprehended from their prevalence. The Whigs were always foremost in urging the necessity of guarding against popery, glancing at the Tories, as if they were not enough alarmed from that

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quarter; and the Tories retaliated by declaiming upon the insecurity of the establishment, and the invasion to which it was exposed from the increase of schismatics, sheltered under the patronage of the Whigs. The late intended invasion of Scotland by the pretender, and the suspicion of conspiracies there, had directed the current of popular prejudice against the Roman catholics; circumstances had formerly occurred, and might again occur, for turning it against the dissenters. To attend to these, to improve them, to exaggerate them, to avail themselves of coincident events for awakening the dormant passions of the people, were the expedients which a faction, composed of religious zealots and disappointed politicians, hoped to employ with success, for subverting the power and popularity of those who so tenaciously held the reins of government.

A crisis now ensued peculiarly propitious for reducing their schemes to practice, and accelerating their accomplishment. Besides the circumstances already mentioned, as contributing to popular discontent and commotion, some late public measures, more immediately connected with the religious interests of the kingdom, were artfully placed in such a light, as to alarm the fears of the ignorant, and to instigate the fury of the bigot. The danger of incorporating into the legislature a body of men who adhered to a religious establishment, which had formerly triumphed over episcopacy and which had still a number of friends lurking within her bosom, had been urged as a strong objection to the union, and left a deep impression upon the minds of many, whose narrow information and ignorance of human life rendered them incapable of discerning either the fallacy of arguments, or the hypocrisy and selfish views of the persons who suggested them.

The suspension of the convocation, during the last session of parliament, not only gave a new spur to the acrimony and intrigues of the violent clergy, whose interest had prevailed in the elections, but furnished them with plausible topics for announcing the perilous condition of the church, and for kindling the zeal of the people in

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XV. crown to interfere with the proceedings of the convocation had been  
1709. agitated during the last parliament, and had made a breach between  
the court and the convocation; and, after the recess, it was observed,  
that the leading assertors of ecclesiastical rights had been marked out  
as the objects of ministerial displeasure. By suppressing the convo-  
cation, not only the question concerning the limitation of its power  
was decided, but its existence annihilated; and all its incontro-  
vertible prerogatives transferred to the state, under the guidance  
of ministers suspected of inveterate hostility to the national estab-  
lishment.

Nor, in the enumeration of perils, was the naturalization bill for-  
gotten. It had been remarked, that, ever since the revolution, the  
Whigs and dissenters had cordially united in the protection of the  
protestant refugees. In promoting and supporting the naturalization  
bill, both discovered an ardour that had been seldom known to result  
from the bare impulse of benevolence. Was it not notorious, that  
the refugees, in their own country, adopted doctrines and forms of  
worship similar to those of the English dissenters; and, far from  
concealing their partiality for that class of men, had embraced every  
opportunity of abetting their measures, and strengthening their poli-  
tical influence? The conclusion was therefore irresistible, that, in all  
this, the Whigs had a scheme of increasing the number of their  
friends at home; that, by holding out the allurements of the trade and  
franchises of England to encourage the accession of emigrants, they  
were gradually building up their own interest; and clandestinely  
sapping the foundations of that venerable fabric, which they had once  
and again assailed with open violence<sup>10</sup>.

The wide diffusion and pernicious effects of these sentiments there  
was the greatest reason to dread, from the ardour and diligence of the  
persons who propagated them in private circles; from the various

<sup>10</sup> Restoration of Episcopacy, p. 5. London, 1705. Salmon, vol. xxvi. p. 26. Cunning-  
ham, vol. ii. p. 216.

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publications of the same tendency, which were sent into every corner  
of the country; and, above all, from the factious spirit and intem-  
perate zeal of many of the clergy, who prostituted the duties of their  
holy function to the service of political warfare. Most of these were  
of low rank, but they were encouraged and aided by a few who  
were distinguished for literature and talents, and now commenced the  
bitter enemies of administration, either upon account of private dis-  
appointment, or from a sense of the indignities, which, they ima-  
gined, the hierarchy and the national establishment had sustained from  
the complexion and tendency of public measures. Not contented  
with inculcating, in their public discourses, a steady attachment to the  
worship and doctrines of the church, from fair arguments addressed  
to the understanding; to inflame the passions of their people, her  
danger was pathetically described; personal reflections were pointed  
against the characters of the ministers, the dissenters were mentioned  
with virulence, and important constitutional principles impugned  
under the authority of ecclesiastical decrees and homilies<sup>11</sup>.

Among the multitude in holy orders, who stood forth as cham-  
pions for the church in the hour of her extremity, or, in the lan-  
guage of another party, as the trumpeters of sedition, there was no  
one who attained to greater celebrity for his boldness, his popularity,  
his persecution, and his final triumph, than Henry Sacheverel, rector  
of St. Saviour's, Southwark. The fascination of party zeal admo-  
nishes the historian, to admit, with distrust and abatement, contem-  
porary delineations of the talents and dispositions of individuals, who  
have flourished in a period of political strife. Setting aside altoge-  
ther those defamatory representations, which we may suppose to have  
been tinged with the resentment of the partisan<sup>12</sup>, and subtracting

<sup>11</sup> Memoirs of the four last Years, p. 57. generality of them were in the tory interest.  
London, 1712. Cunningham, vol. ii. p. 275. Life of Bolingbroke, p. 128.  
Atterbury, Swift, and Smalridge were the  
most respectable champions for high church. <sup>12</sup> High Church displayed, or an Historical  
Account of Dr. Sacheverel, passim. Lond.  
It was alledged, that the whig ministry dis-  
covered, at this time, an indifereet contempt  
for the clergy, upon the supposition, that the  
1711. Oldmixon, vol. ii. p. 429. Burnet,  
vol. vi. p. 1066. Cunningham, vol. ii. p. 82.

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but little from the most favourable testimonies transmitted to us by his admiring votaries<sup>13</sup>, there will remain no solid evidence for putting a high estimation either upon the abilities or virtues of Dr. Sacheverel. His opponents have charged him with scandalous immoralities, while his friends have founded their encomiums, chiefly upon the orthodoxy of his doctrines, and the fervour with which he propagated them, which must be reckoned, especially in times of violence, very questionable tests of merit. From the specimens of his public discourses, which were committed to the press, we may fairly conclude that the extraordinary applause with which they were received, and the deep impressions which they made upon his audience, must have been owing to his reputation for zeal, and the graces of his person and delivery, rather than to solidity of argument, originality of sentiment, or elegance of style<sup>14</sup>. From the testimonies of some of his contemporaries, he seems entitled to the praise of consistency; and the pruriency of his bigotry for high church principles, at his outset in life, was a prelude to the persevering activity and keenness with which he afterwards promulged his favourite system, in the public character of a clergyman<sup>15</sup>. He was

<sup>13</sup> Defence of Sacheverel. London, 1710.

<sup>14</sup> He had a melodious voice, a good figure, and graceful delivery. Cunningham, vol. ii. p. 275.

<sup>15</sup> Historical Account, p. 2. Impartial View of the two last Parliaments, p. 149, 50. The zeal of the doctor was not of the same mould with that of his progenitors. John Sacheverel, his grandfather, was one of the Presbyterian ministers silenced by the act of uniformity; and, being afterwards found in a conventicle, suffered three years imprisonment, which occasioned his death. Tindal, vol. viii. p. 321.

Mr. Addison dedicated one of his early poems on the character of the English poets, to H. Sacheverel; and the author of the life of Mr. Addison, in the late edition of the Biographia Britannica, lays hold of this circumstance as sufficient evidence of Sacheverel's having been a *Whig* at his outset in life. The

author of the life of Mr. Addison, inserted in a late edition of the Spectator, (Robertson, 1794,) has adopted the same conclusion. It were equally fair to invert the conclusion, and to infer from the above fact, that Mr. Addison was once a *Tory*; for, when two contradictory conclusions may thus be drawn from the same fact, neither of them can be agreeable to the principles of sound logic. In the successive stages of human life, different tastes and associations form bonds of friendship, and furnish incitement to antipathies. An ardour for science and literary improvement begets fond attachments among congenial minds, without being productive of ill-will to contemporaries of inferior genius and accomplishments. Party and political zeal engender the deepest hatred and rancour, while the attachments erected upon it, however fervent for a season, are fluctuating and fallacious. In

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was first presented to a small living in Staffordshire, where he became a declared advocate for the high church party, with the leaders of which he principally associated, and seemed determined to challenge persecution, by unguarded expressions in his conversation and public discourses, with respect to the memory of king William, the Hanoverian succession, and the conduct and measures of the queen and her ministers<sup>16</sup>. It is a curious fact, and will not appear incredible to those who attend to the strange transformations and veering attachments of party-men in their own time, that the edge of Sacheverel's oratory was first turned against Mr. Harley, sir Simon Harcourt, and Mr. St. John, who now patronised him, and made him the tool of their resentment and promotion<sup>17</sup>.

Emboldened by the flattering attention of some of the Tories of eminent rank, and the applause of an enthusiastic multitude, Dr. Sacheverel at length proceeded, on the most public occasions and in the face of magistracy, to such an extravagant pitch of insolence and scurrility, as could no longer escape the notice and reprehension of government. On the 5th of November 1709, being the anniversary of the gun-powder plot, and the revolution, he preached before the lord mayor and aldermen, upon the subject of *Perils from false Brethren*. The memorable events, recalled by the day, were slightly mentioned. The damnable nature of schism; the iniquity of forbearance with tender consciences; oblique imputations on the memory of king William, and the revolution; the condemnation of the doctrine of resistance; the treachery of ministers; and the imminent danger of the church, together with exhortations to the duty of standing forth in her defence, were the principal topics upon which the preacher declaimed, in a style of acrimony and passion, which, not less than the matter, inflamed the enthusiasm of one party, and excited the indignation of another. The publication of this sermon,

2 Corinth.  
xi. 26.

In the period of youth and mental cultivation, the influence of the former prevails; in advanced life, that of the latter, alas! too often

gains the ascendant.

<sup>16</sup> Tindal, vol. viii. p. 321.

<sup>17</sup> Cunningham, vol. ii. p. 82.

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with a dedication to sir Samuel Garrard the lord mayor, was an aggravation of insolence and indignity, which offended all the friends of order and the constitution as well as the ministers<sup>18</sup>. For the sermon was read with avidity by persons of every description; and forty thousand copies were dispersed within a few days. The subject of it engaged the conversation of every company; became a standing topic of colloquial dispute; drew forth innumerable polemical pamphlets; and the approbation or censure of this frivolous performance, was deemed an unerring criterion of the political principles and wishes of the persons, by whom they were expressed. The doctor was loaded with the most flattering marks of respect and gratitude; and his abilities extolled in the most fulsome strains of panegyric by the opponents of administration.

The ministers were now reduced to the most embarrassing dilemma, either of attempting the arduous enterprise of stemming the torrent of popular prejudice, in which, if they failed, they were likely to be overwhelmed by its violence, or of acquiescing in calumnies destructive of their own reputation, and incurring, at the same time, the charge of criminal remissness, by suffering doctrines, which struck at the very root of the constitution, to be audaciously propagated with impunity. The only probable expedient for extricating themselves from these pressing difficulties, and disappointing the malignant expectations of their adversaries, who were prepared

<sup>18</sup> Dr. Sacheverel, previous to his preaching before the lord mayor, had published a fast-day sermon, delivered before the university of Oxford, 10th June 1702. *Political Union*, published the same month. *The Character of a Low Church Man. An Affize Sermon*, preached before the university of Oxon, justices, and grand jury, 9th March 1704. *The Rights of the Church of England*, 1705. *An Affize Sermon*, at Derby, intitled, "The Communion of Sin," 15th August, 1709, with a dedication to George Sacheverel, the high sheriff, who was his relation. All these publications were of the same seditious tendency; but

the proof of the articles of impeachment was confined to the sermon preached before the lord mayor in London, and the dedication of the sermon preached at Derby. Sir Samuel Garrard, the lord mayor, moved in the court of aldermen, that the doctor should be thanked for his sermon, and desired to print it. Upon the motion being rejected, he was aware of his mistake, and wished to withdraw his patronage; but the doctor, who was not wanting in presumption, considered his lordship's private opinion, as sufficient warrant for publishing the discourse, with a dedication to him. Tindal, vol. viii. p. 323.

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to make a common cause with Sacheverel, was either to refer the offender to the censures of the ecclesiastical judicatories, or to prosecute him, in common form, before the courts of law. The last of these was strenuously urged by lord Somers, who foresaw the consequences of measures, bearing an aspect of private spleen<sup>19</sup>, and inviting the public interference of parties. The rest of the ministers, and particularly the duke of Marlborough and lord Sunderland, recommended an impeachment, which, by interesting both the branches of the legislature in the discussion of the subject, the one in its censorial, and the other in its judicial capacity, would probably terminate in the most solemn and public condemnation of principles, in effect avowed by all who defended Sacheverel's conduct. Unfortunately for the party, the modesty of lord Somers was overruled by the importunity of his colleagues; and the resolution for impeaching Sacheverel was adopted by the privy council<sup>20</sup>.

This business was opened in the house of commons by Mr. Dolben, who complained of two sermons preached by Dr. Sacheverel, the one at the assizes at Derby, the other in St. Paul's before the lord mayor; and read some of the offensive passages contained in them, which, after a warm debate, were voted scandalous and seditious libels. The doctor being called to the bar, avowed the publications complained of, without any apology or recantation. Upon which, it was resolved, that he should be impeached of high crimes and misdemeanors before the house of lords; and that Mr. Dolben should move the charge in name of all the commons of Great Britain. A committee was appointed to draw up the articles of impeachment,

<sup>19</sup> The duke of Marlborough, lord Godolphin, and lord Sunderland were particularly irritated against the doctor, because, in some of his publications, he had calumniated them under fictitious names.

<sup>20</sup> Cunningham, vol. ii. p. 277, 8. It was said, that the ministers, particularly lord Go-

dolphin, aware of the tide of popularity running against them, laid hold of this opportunity to divert the industry of opposition, which would probably have been directed to inquiries vexatious to themselves. Letter of a Foreign Minister to Monsieur Pettecum, p. 7, 8. Somers, vol. ii. p. 244.

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As soon as these resolutions transpired, the supporters of Dr. Sacheverel, among whom there were many of too much discernment to esteem the character of the man, began to employ every artifice to give a colour of importance to the approaching trial, to which it was but little entitled; and to interest the passions of the multitude, by impressing them with the most unfavourable views of the prosecutors, and the sad consequences of their success in bringing him to punishment". With the ignorant and prejudiced, petulant assertions supply the place of fact. The mere title given to a cause or question under discussion, and the arbitrary conjunction of terms, are often sufficient to fix an association of ideas, which no force of evidence can separate or disannul. Sacheverel and the church were coupled together; and the device, more successfully than any argument, kindled the enthusiasm of thousands, who placed their most interesting hopes upon their attachment to that religious establishment, within the pale of which they had the good fortune to be born". The cause of Sacheverel and of the church were considered as one and indivisible; Sacheverel and the church became the favourite toast of every convivial meeting; and his deliverance and her prosperity were conjoined in those solemn addresses presented to the throne of Heaven, from which every dubious request ought to be excluded with the most scrupulous delicacy".

The long interval between the impeachment and prosecution of the doctor, protracted the opportunity of those who laboured to poison and pervert the opinions of the people". In consequence of the

<sup>21</sup> Journals Commons, 13th December.

<sup>22</sup> The doctor's answer to the articles of impeachment was handed about by his friends, in manuscript, before the lords proceeded in the cause. Historical Account, p. 11.

<sup>23</sup> Tindal, vol. viii. p. 332.

<sup>24</sup> Id. Annals Anne, 1709. p. 256. 265.

<sup>25</sup> From the commencement of the prosecution, the clergy of the doctor's party often referred to his case in their public discourses. The

the usual adjournment at Christmas, the articles of impeachment were postponed to the 9th of January 1710; and it having been afterwards voted by the commons, that a committee of the whole house should attend the trial, a new delay became necessary till Westminster hall was fitted up for their reception. By the address and industry of faction, and the contagion of popular prejudice, such an impression was made upon the public mind, as abolished every hope of the prosecution's resulting to public advantage, or the credit of the party who urged it, whatever might be its final determination.

After long expectation, the trial of Dr. Sacheverel commenced before the lords in Westminster-hall, on the 27th of February 1710. The charges against him were comprehended in four articles; namely, he maintained, that the means used for bringing about the revolution were unjustifiable; that the toleration, granted by law, is unwarrantable; that the church of England is in great peril under her majesty; and that her administration tends to the destruction of the constitution".

It is not easy to present in an abridged form, consistently with perspicuity, and the plan of this work, the substance of the various arguments, contained in the representations of the managers for the commons; in the answers and replications made by the doctor and his council; and the speeches of the judges, which, all together, fill two hundred pages of the journals of the lords. A few short and general remarks may convey to those readers, who do not choose to

The excellent constitution of the church, and its imminent danger, were openly inculcated. The leaders of opposition courted the company of the zealots; invited them to their tables; and, by their attention and hospitality, during the season of festivity, too much fomented that effrontery of licentiousness which disgraced the nation. Cunningham, vol. ii. p. 283.

<sup>26</sup> The managers for the commons were Sir John Holland, comptroller of her majesty's household; Mr. Secretary Boyle, Mr. Smith,

chancellor of exchequer; Sir James Montague, attorney-general; Robert Eyre, Esq. solicitor-general; Robert Walpole, Esq. treasurer of the navy; Sir Joseph Jekyl, Mr. Lechmere, Mr. Dolben, Sir Thomas Parker, Sir Peter King, recorder of the city of London; Sir John Holles, lord William Powlet, lord Coningsby, Mr. Cowper, Mr. Thomson, lieutenant-general Mordaunt, Mr. Compton, Sir David Dalrymple.—Dr. Sacheverel's council were, Sir Simon Harcourt, Mr. Dodd, Mr. Phipps, Mr. Dee, and Mr. Henchman.



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XV. event, which forms so interesting a portion of internal and party  
1710. history in England, at the period under our consideration.

From the general strain of reasoning, adopted by the managers in support of the impeachment, it is obvious, that the Whigs considered the trial as subservient to a revival and public discussion of those political questions which divided them and the Tories; and probably expected an opportunity of making an appeal to the public, which might redound to their own popularity. The utmost ingenuity and labour were therefore employed in stating and explaining the principles of the British constitution, and applying them in defence of the revolution, and of the Hanoverian succession; subjects, which ought to have been taken for granted by the prosecutors, had they intended nothing more, than the conviction and punishment of the offender. The doctor and his council eluded the snare prepared for them by the most explicit and unreserved admission of all the propositions, advanced by his accusers, relative to the constitution, and the necessity and justice of the revolution; and confined their replies merely to disproving the application of the doctor's sermons to the articles charged in the impeachment. The substance of their defence was, that all the charges were deduced from a forced construction; from words and sentences picked from unconnected passages of his discourses, and arbitrarily joined together. With respect to the first charge, namely, his maintaining the article of non-resistance, it was argued, that he did not mean the executive part or branch of government, but the supreme legislative power; and the resistance at the revolution could not be condemned on that general position:—again, that he had laid down a sound doctrine, without indeed specifying those exceptions to it, which relate chiefly to cases of emergency; and to vindicate the propriety of his doing so, they appealed to the authority of the scriptures; to the acts of parliament; the articles and homilies of the church; the opinions of the most pious protestant divines; and to the sermons and other publications

cations of some of the existing dignitaries, who were distinguished for their orthodoxy and attachment to the constitution". To the second charge, namely, that the toleration granted by law is unwarrantable, it was answered, that the word *toleration* was not found in the statute book; that the doctor entirely approved of the exemption granted by law to the dissenters, and that, when he spoke in disparagement of toleration, he meant something beyond this, and therefore had not calumniated the law. To the third, namely, that the church was in danger, he did not retract the proposition, but attempted to prove it, from the abounding of immorality and blasphemy, and from recent publications of an heretical tendency. With respect to the fourth, namely, that her majesty's administration tended to destroy the constitution, he denied, that by *false brethren* and *chief men*, &c. he meant to libel her majesty's ministers; and he insisted that all the expressions, cited to support this charge, ought, in fair construction, and agreeably to the authority of scripture, to be applied, as he intended, to persons of rank and influence in general, of which description, too many, in every age, had been enemies to religion and the church. He concluded his defence with a solemn appeal to the Searcher of hearts, that he never had any intention to calumniate the memory of king William, or to censure the Revolution; or to foment party distinctions, and defame her majesty's administration; which declaration, being so contradictory to his notorious principles and conduct, gave great offence to many serious persons, who did not enter into the merits of the cause, either in a religious or political view". The doctor was found guilty by a majority of seventeen voices, and an arrest of judgment, which was moved by his council, being over-ruled, he was enjoined not to 22d March. preach during the term of three years".

" In this corner of his defence, the doctor it is to introduce political subjects into the was most successful: the doctrine of non-resistance had the sanction of many eminent pulpit.

names; and, among these, Dr. Burnet. See " Sacheverell's Trial, p. 787. Historical Account, p. 358.

Trial, p. 742. This shews us how dangerous " Trial, p. 831.

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This slight and harmless punishment, after the curiosity and the expectation of the public had been wound up to the highest pitch by the solemnity and prolongation of the trial, was, more than a simple acquittal, a source of triumph to Sacheverel, and of disappointment and reproach to his prosecutors. For allowing the judges full credit for justice and integrity in every branch of their proceedings, although the doctor was found guilty, yet how trivial must have been his offence, and how culpable that personal animosity, which alone could induce his accusers to drag him before the highest tribunal of the nation, as if it had been thereby intended to prepossess the public with the idea of singular criminality? He now reaped all the fame and honour without having endured any of the hardships of persecution for righteousness sake. The ministers, by making themselves parties in this cause, confirmed the truth of the suspicion, which had long run against them, of being enemies to the church; and hence it was concluded, that her interest could never be secure, till they yielded the reins of government into the hands of those, who, by standing forth in defence of her champion, merited the entire confidence of all her friends<sup>30</sup>.

Many circumstances had occurred during the dependence of his trial, which not only announced the declining popularity of the ministers, but exhibited such a spirit of fanaticism and disorder, as defied the control of authority, and prognosticated the most violent commotions, if not immediately appeased by the preferment of those persons, who had basely contributed to its fermentation. A mob daily attended the doctor as he passed in his coach to Westminster-hall, and conducted him back to his lodgings with loud shouts of applause, and prayers for his deliverance. Persons of distinction, walking in the streets, and members of parliament in their way to the house, were constrained, by the menaces of a furious rabble, to do obeisance to their idol; and the sovereign herself only escaped being

<sup>30</sup> White Staff.

insulted,

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insulted, from their believing that she was partial to his interest<sup>31</sup>. Nor was this homage always extorted from persons of high rank, for some of them voluntarily mingled with the applauding crowd in the streets, or many of them saluted the doctor with profound respect from balconies and windows. Many valuable presents were sent him by his more wealthy admirers. Several ladies of the first fashion attended the trial; and, from the keenness with which they entered into the cause, were sometimes betrayed into gestures and expressions disrespectful to the court<sup>32</sup>. While this memorable cause depended, every little assembly was converted into a political club, and all rational and facetious conversation was supplanted by the vexatious intrusion of a question, which not only divided the opinions, but agitated the passions, of every person who took a share in it<sup>33</sup>.

Under such eminent patronage and example, we are less surprised at the licentiousness and riot, into which a deluded multitude was precipitated. On the second day of the trial, the crowd which had attended the doctor, flushed with the recent experience of their own terrific power, assembled under the shade of night, broke into many of the dissenting meeting houses in different parts of the city, and consigned their furniture to the flames. Some of the most respectable non-conformist clergymen, and the bishop of Salisbury, hated on account of his zeal for toleration, were denounced to vengeance, but fortunately the arrival of the royal guards prevented the perpetration of these horrid purposes, as well as the destruction of the bank, which was likewise intended<sup>34</sup>. It was strongly suspected, that their outrages were not committed without the connivance, or direct

<sup>31</sup> Impartial View, p. 159. 191. As the queen was going to Westminster, the people gathered about her sedan, and cried out, "God bless your majesty and the church, we hope your majesty is for Dr. Sacheverel." Annals of Anne, p. 265.

<sup>32</sup> Cunningham, vol. ii. p. 292. Annals of Anne, p. 265. The doctor is said to have

been distinguished for the comeliness of his person. Prints of him were exposed in all the shops, and had a rapid sale.

<sup>33</sup> Annals of Anne, p. 225. Tatler, N<sup>o</sup> 157.

<sup>34</sup> Address of the Commons to the Queen, 2d March. Cunningham, vol. ii. p. 293, 4.

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co-operation of persons of better rank, who joined the mob in disguise, or, in a way more safe for themselves, but not less effectual, stimulated their fury by supplying them with money and spirituous liquors<sup>35</sup>. Some of the anti-ministerial members of more respectable character, contributed not a little upon this occasion to increase the public consternation, by spreading unfounded rumours of similar riots and disorders having happened in other parts of the country; nor were any of them ever heard to express that concern and indignation, which, on such an occasion, ought to have superseded all considerations of party interest<sup>36</sup>.

In the mean while, the doctor seemed to glory in all that he had done, and in all that happened. He received the applause of the multitude with an air of haughtiness and self-sufficiency, which, as they seldom associate with innocence and merit, always increase the suspicion, and the turpitude of guilt. He scowled upon his accusers, during the trial, with an eye of disdain, and betrayed such petulance and overweening conceit in consulting with his friends, as revealed the emptiness of the man, and provoked a disgust which they themselves could not conceal<sup>37</sup>. After his sentence, he was conducted in triumph to the city, and received the congratulations of thousands, as if he had rescued the nation from destruction. In the evening, the windows were illuminated, and bonfires kindled in every street, surrounded by the riotous rabble, drinking his health, and obliging all who passed to pledge them<sup>38</sup>.

How little does popularity, earned in the field of political strife, appear the criterion of worth, or the object of desire, when we have

<sup>35</sup> Annals of Anne, p. 267.

<sup>36</sup> Idem.

<sup>37</sup> Cunningham, vol. ii. p. 290. He presumed to dictate in every company, and delivered his opinion on public affairs, as if he had been the oracle of political wisdom. To indicate his contempt for his sentence, which only restrained him from preaching, he often

read prayers in the congregations of his tory brethren. Cunningham, vol. ii. p. 300. Dr. Sacheverel was held in great contempt by the tory ministers, notwithstanding the services he had done them. "He hates the new ministers mortally, and they hate him, and pretend to despise him too." Swift's Journal.

<sup>38</sup> Annals of Anne, p. 331.

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seen, with what profusion it was lavished upon the fanatical, assuming, and despicable Dr. Sacheverel!

This celebrated trial so entirely occupied both houses during the session 1709—10, that little time was left for the prosecution of any other business.

The queen, at the opening of the parliament, by imputing the failure of peace to the insincerity of the French king, gave her sanction to the only apology that could be made for her ministers, who had disappointed the general desire of the nation. Their prudence was praised on account of their not having been seduced into slackness and delay in making preparations for the campaign, which had redounded to the glory of the allies, as much as any that had preceded it. Supplies, as usual, were solicited for the continuance of the war.

Both houses expressed their satisfaction with her majesty's speech, and their congratulations upon the success of her arms. In the course of this session, the duke of Marlborough received singular testimonies of the esteem and confidence of the commons. On the first day of the session, they unanimously adopted the resolution of declaring their deep sense of the honour and advantage which England and the confederates derived from his eminent services; and, upon information that the negotiations for peace were to be renewed, both houses voted an address to her majesty, representing the importance of sending him immediately to Holland, to act in the character of her plenipotentiary. As the queen was secretly alienated from her favourite general, these resolutions were intended by his friends to frighten her from yielding to those domestic intrigues which were now carrying on to bring her to an open rupture with the present ministers.

The influence of the clergy upon popular opinion appeared so conspicuous during Dr. Sacheverel's trial, that the ministers found it expedient to announce their intentions of patronising and rewarding such of the order, as exerted their talents in the propagation and defence

15th Nov.

18th Feb.

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27th March.

defence of sound political principles. The meritorious services of Mr. Benjamin Hoadley were acknowledged by a vote of thanks from the commons, and an address to the queen, recommending him for preferment<sup>39</sup>. Several publications in defence of tery principles were condemned by that house, and consigned to the flames, together with Dr. Sacheverel's sermons<sup>40</sup>.

November, December, passim.

The consciousness of their staggering situation rendered the ministers more forward in adopting measures for relieving the distresses of the poor, occasioned by the present scarcity, and bills were brought in and quickly passed for prohibiting the exportation of corn, and regulating the assize of bread. The commons cheerfully granted every demand for the public service, and supplies were voted to the extent of six millions, one hundred eighty-four thousand, four hundred and sixty thousand pounds.

12th Dec.

This session is particularly entitled to the grateful remembrance of literary men, for the encouragement given to them, by vesting authors with an exclusive temporary right, to publish and sell their works<sup>41</sup>. From a partiality to their own interest, from which the most enlarged understanding is not exempted, some of them, notwithstanding the advantage derived from this act, may still complain that, in consequence of the advanced price of every necessary, an increasing indifference about intellectual improvement, and unpropitious times, their profits are extremely limited and precarious, and an inadequate recompence for their industry and time<sup>42</sup>. On the 5th April, her majesty concluded this session with a speech, expressing her entire approbation of its proceedings; a language, which, as it soon appeared, ill corresponded with her inward thoughts.

<sup>39</sup> The publications of Mr. Hoadley, which attracted the approbation of the commons, were, his *Considerations*, occasioned by the Bishop of Exeter's Sermon, preached before her Majesty, March 8, 1708, and a Reply to the bishop's answer.

<sup>40</sup> Among these, was the celebrated decree of the university of Oxford, passed in their convocation, 21st July 1683, which asserted

the indefeasible hereditary right of princes, and the doctrine of non-resistance.

<sup>41</sup> By this act, authors were to have the sole right of printing their own books for the term of fourteen years:

<sup>42</sup> A bill passed in the house of commons for securing the freedom of parliaments, by limiting the number of officers in that house; but it was unanimously rejected by the lords.

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*Negotiations for Peace renewed.—Conferences at Gertruedenberg.—Campaign 1710.—The Fort of Mortaign taken by the Allies.—Motions of the Duke of Marlborough and Prince Eugene.—Siege of Douay.—Motions of Villars.—Bethune, St. Venant, and Aire, taken by the Allies.—A Convoy belonging to them taken on the Lys.—Campaign on the Upper Rhine.—In Italy.—Inactivity of the Duke of Savoy.—The Count Thaur attempts to penetrate into Dauphiny and Provence.—Campaign in Spain.—Early Success of King Philip.—Victory gained by King Charles at Almanza.—At Saragossa.—King Philip flies to Madrid, which he soon abandons.—King Charles comes there.—Disaffection of the Inhabitants to him.—Their Loyalty to King Philip.—Exertions made for him.—King Charles goes to Toledo—Soon evacuates it—And marches to Aragon.—The French and Spanish Army reinforced by the Duke of Vendosme.—General Stanhope defeated at Bribeuga.—Battle of Villa Viciosa.—Consequences.—Success of the Marquis de Bais in Portugal.—Naval Operations.*

THE reception of monsieur Pettecum at Paris, as we have already seen, not having been such as was expected, the deputies were determined to carry on the war with the greatest vigour. The French king, however, still continued through the same agent to make offers, which approached nearer and nearer to the demands of the allies; he at length agreed to all the preliminaries, except the thirty-seventh article<sup>1</sup>, he signified his willingness to go farther than he had done in the conferences at the Hague, to remove every difficulty on that point, and requested the States to fix a place for his plenipotentiaries to meet with theirs, and to renew the conferences<sup>2</sup>. Endeavours were used by the English ambassadors to prevent the States from complying with his desire, till he should consent to the thirty-seventh as explicitly as he had done to all the rest

<sup>1</sup> Letter from Lord Townshend to Mr. November 1709. Scheme of a peace sent Boyle, 21st February 1710. MSS. from the court of France to Holland, February 1710.

<sup>2</sup> Paper sent by Torcy to Pettecum, 27th May 1710.



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of the preliminary articles; but the extreme difficulty of raising the supplies in Holland, and the evidence which Lewis had given of his sincerity, by withdrawing his troops from Spain, gave such advantage to the party which was clamorous for peace, as convinced the pensionary, that resistance to another experiment in the way of negotiation must have proved injurious to the reputation of the English ministers, and the common interest of the alliance. The English ambassadors were themselves satisfied, that yielding so far to the importunity of Lewis was both prudent and necessary<sup>1</sup>. After some altercation about the choice of the place for the conferences, the marshal d'Huxelles and the abbe Polignac were appointed plenipotentiaries by the French king, and arrived at Gertruedenberg on the 19th March, where they were received by de Buys and Vender Dussen, who were empowered to treat on the part of the States<sup>2</sup>.

The conferences were opened the next day, and were spun out till the 13th of July by frequent interruptions, the deputies having, upon different occasions, discovered an inclination to put an end to them, and the French ministers, agreeably to the fresh instructions which they received from Paris, insisting upon their being continued, and still advancing in their concessions<sup>3</sup>.

It would be tedious to enter into a minute discussion of the proposals, referring principally to the thirty-seventh article of the preliminary treaty, which were the subject of many successive conferences. The professed object of the French king was to persuade the allies to stipulate a certain beneficial provision for king Philip, to in-

<sup>1</sup> Letter from Lord Townshend to Mr. H. Walpole. Hague, 31st January 1710. MSS.

<sup>2</sup> Tindal, vol. viii. p. 379. Gertruedenberg is a fortified town in the United Netherlands, in the principality of Holland, twelve miles S. E. of Dort, and ten miles N. of Breda. The appointment of this sequestered place for the conferences was deemed an untoward omen by the French. In the preceding year, the people at the Hague began to be impressed with a sense of the advantageous terms offered

by the French king, and had sometimes, in a rude way, expressed their desire of accepting them. By carrying on the conferences here, the agents of Lewis were debarred from the opportunity of making their proposals known to the people, to whom the plenipotentiaries would just communicate such representations as best suited their own private views. Quincy, tom. vi. p. 314. 355.

<sup>3</sup> Torcy, vol. ii. p. 18.

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duce him to acquiesce in the resignation of the Spanish monarchy. The kingdoms of Arragon, of Naples and Sicily, of Sardinia, with the sea-ports in Tuscany, were all successively suggested by the plenipotentiaries for this end; they at length restricted his demands to Sicily and Sardinia<sup>4</sup>; and the deputies seemed willing to agree, upon condition of his giving security for the surrender of Spain and the West Indies, to king Charles, within the space of two months. The nature or mode of this security remained for some time the sole object of dispute<sup>5</sup>. Lewis had already offered to put four of his towns in Flanders into the hands of the allies, as a pledge not to concern himself, either directly or indirectly, with the affairs of Spain; he had withdrawn his troops from thence, and promised to forbid his subjects to engage themselves in the service of the catholic king<sup>6</sup>; he agreed, if Philip persevered in maintaining that monarchy, that he should forfeit all claim to the intended indemnification; and, to all these proofs of his sincerity, he now added the offer of a sum of money<sup>7</sup>, to assist the allies in carrying on the war against his grandson. After having made objections to the nature of the security proposed by Lewis for the payment of this sum, the deputies rejected it altogether as insidious, and as a new evidence of the insincerity of Lewis<sup>8</sup>.

After these conferences had been carried on for several days, solely between the French plenipotentiaries and the Dutch deputies, some of the ministers of the allies at the Hague expressed a jealousy, lest the interests of their constituents should be overlooked, and threatened to insist upon their right of being present, while subjects, in which they had so near a concern, were under discussion<sup>9</sup>. To

<sup>4</sup> Letters from the Duke of Marlborough and Lord Townshend to Mr. Boyle, p. 12. 25. March 11th. 29th; April 6th; 9th, 13th May. Letter from Mr. Boyle to Lord Townshend, 7th March. MSS. Resolutions of their High Mightinesses, 27th July 1710.

<sup>5</sup> Torcy, vol. ii. p. 71.

<sup>6</sup> Scheme of Peace.

<sup>7</sup> Torcy was instructed to offer the allies five hundred thousand livres (£.20,833:6:8) a month; and if this did not satisfy them, to advance to a million. Torcy, vol. ii. p. 74.

<sup>8</sup> Id.

<sup>9</sup> Letter from Lord Townshend to Mr. Boyle. Hague, 25th Feb. 1710. MSS.

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divert their interference, great address was used by the deputies and lord Townshend, from an apprehension that the French plenipotentiaries might thereby be furnished with an opportunity of discovering and fomenting jealousies among the confederate powers. In order to reconcile them to this restraint, the ministers of the emperor, the king of Prussia, and the duke of Savoy, were previously consulted on every point by the deputies; and the subjects and progress of the treaty were regularly communicated to them. In this situation, the negotiators found it necessary to throw out hints of certain claims in behalf of their allies, which had not been specified in the preliminary articles, and even to express themselves with greater reserve and uncertainty concerning some of those conditions which they had already approved of.<sup>12</sup> The French ministers, thinking themselves justified in adopting the same caution, introduced their concessions, under the annexed condition of obtaining full security against any ulterior demands from the rest of the allies, and for the consummation of the peace, after the term fixed for the expiration of the truce.<sup>13</sup> The deputies now complained of this conduct as amounting to a full demonstration of the insincerity of the French king in every part of the transaction. At the last conference, on the 13th July, they stated their ultimatum, namely, that the French king, alone and unassisted, should compel his grandson to deliver up the Spanish monarchy into the hands of king Charles<sup>14</sup>; and intimated to the French plenipotentiaries, that

<sup>12</sup> Torcy, vol. ii. p. 74, &c. Lord Townshend, in a letter to Mr. Boyle, 7th March 1710, gives this reason for not going to the conferences, that the other ministers of the allies would have insisted upon going also, which would have rendered it a general congress; the very thing the French wanted.

<sup>13</sup> Id. vol. ii. p. 68.

<sup>14</sup> "It is the will of the allies, that the French king shall undertake either to persuade his grandson, or to compel him singly, and with his own forces, to renounce the Spanish monarchy. Neither money, nor the junction of the French troops, is the

"thing that suits them; the execution of the treaty is what they require." Torcy, vol. ii. p. 83. At the same time, they insinuated, "that they might, in the way of favour, permit their troops in Portugal and Catalonia to co-operate with those of France for facilitating the conquests of Spain and the Indies; but even this assistance was to be limited to the space of two months; at the end of which time, if the business was not accomplished, the truce was to terminate, and they were again to prosecute hostilities against France." Id. Quincy, tom. vi. p. 359.

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they should have permission to continue fifteen days longer at Gertruedenberg till they received a final answer from their master.<sup>15</sup> When the French king heard of this, he lost no time in signifying to the pensionary, that there was no occasion for allowing him any time to deliberate upon this subject; that he had already consented to every condition in his power for promoting a general peace, but could not engage to execute what he knew it was impossible for him to perform; and on the 24th July, the marshal d'Huxelles and the abbe Polignac set out from Gertruedenberg on their return to Paris.<sup>16</sup>

After the breaking up of the conferences, the French plenipotentiaries addressed a letter to the deputies of the States, imputing the failure of their attempts for peace entirely to the hard and impossible conditions insisted upon by the allies. In answer to this, the States-general published extracts of their resolutions, declaring their sincere desire for peace, and imputing their disappointment to the insincerity of the French king, manifested by his evading the capital point for which the negotiations had been opened. 20th July. 27th.

By contemporary authors, this important subject has been treated merely as a party dispute; and, according to their several prejudices and attachments, the French king or the allies have been severally condemned for the continuance of the war. When questions of this nature and of such magnitude occur, it is the duty of later historians to be more than commonly anxious to divest themselves of all local prepossessions, and to investigate evidence with conscientious application, in order truly to appreciate the merits and demerits of the parties at issue. History, when thus conducted, becomes the instrument of important moral utility, by reminding all those who preside in the affairs of nations, that they are amenable to a future tribunal;

<sup>15</sup> Torcy, vol. ii. p. 83. 85. Letters of Lord Townshend to Mr. Boyle, July.

<sup>16</sup> Before the conferences were concluded, the king of Spain signified that he would never consent to yield the crown of Spain for any compensation; upon which the French king instructed his plenipotentiaries not to insist farther upon an equivalent, but to renew their offer of subsidies for assisting the allies in the Spanish war. Torcy, vol. ii. p. 80.

and

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and that neither concealment nor misrepresentation of facts, nor the partiality and adulation of contemporaries, can screen political depravity from the condemnation and abhorrence of posterity. Impressed with the strongest desire to adhere to every obligation of truth and candour, I suggest the following observations relative to the important question now under review.

1. There appears no solid ground for doubting of the French king's sincere and ardent desire for peace, when the negotiations were first opened at the Hague. The deplorable condition of his kingdom annihilated every prospect of extending his dominions, and gratifying that vain glory which had been the ruling passion of his life; and exposed him to new mortifications, and his subjects to irretrievable ruin from the prolongation of the war. An empty treasury reduced him, not only to the necessity of withdrawing pensions and gratuitous bounties, but of retrenching and abolishing the salaries of the most important offices in every department; and even of dissolving that military force, which alone could secure him against the nearer approach of his victorious and incensed enemies.

There was not any description of men, nor a single individual, who had any thing to gain, nay, who was not apprehensive of losing the meager reversion of all that was dear and valuable by the prosecution of the war. The generals, the courtiers, the heir apparent to the crown, all concurred in representing to the sovereign the unparalleled distress of the country, and in supplicating him as their common father to sheath the sword, and make peace upon any terms<sup>17</sup>.

The private conversation and behaviour of Lewis evinced his determined purpose of complying with their desire, and the most anxious solicitude for obtaining the consent of the allies to those terms which he had authorized his agents to propose. To his confidential friends, he discovered a deep sense of the abasement into

<sup>17</sup> Cunningham, vol. ii. p. 225.

which

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which he had sunk, in expressions, which form a perfect contrast to the haughty sentiments and domineering spirit so offensive to all surrounding States in the preceding years of his reign. His private instructions to his ambassadors warranted concessions, which probably exceeded the expectations of his enemies, and faithfully corresponded with the language adopted by the former in the public conferences<sup>18</sup>. The notification of delay and obstructions, instead of producing any symptoms of satisfaction, which must have been the case if he had been acting a part, and in his heart averse to peace, only contributed to increase the depression of his spirits, and to promote the enlargement of his concessions. The final rejection of his offers filled him with all the anguish which flows from disappointment, aggravated by the calumnious imputation of hypocrisy, while he was conscious of making professions which flowed from the dictates of his heart<sup>19</sup>.

2. Upon the first motion of the French king for beginning the treaty, and during its continuance, every artifice was employed in England and Holland to taint the public mind with a suspicion of his insincerity, and of his intention to loosen and disconcert the alliance. All the examples of the duplicity and faithlessness of Lewis, in the pride of his former prosperity, were now brought under recollection. The wretched condition to which France was reduced; the bankruptcy of her treasury; the desolation of her provinces, and the miseries of her people, were held forth in the strongest colours, not to move commiseration, or cherish those relentings which a generous people naturally feel for a vanquished enemy, but to stimulate that ignoble resentment which rejoices in the unprofitable humiliation and sufferings of rivals<sup>20</sup>.

3. From the conduct of the deputies and plenipotentiaries of the combined powers, in every conference, while the negotiations were

<sup>18</sup> Torcy, Duclos, Mefnager, St. Simon, <sup>19</sup> Mefnager, p. 23. 25. Torcy, vol. i. p. 386. <sup>20</sup> Id. p. 184.

on

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The deputies affected a reserve and ambiguity in the discussion of every point: they seemed eager to catch at every incident for raising difficulties, perplexing business, and exhausting the patience of their antagonists. For this purpose, they were continually varying the arrangement, and shifting the grounds of the negotiation; sometimes introducing topics in a desultory way, on which the French plenipotentiaries were not prepared to reply, then leaving them unfinished by making a sudden transition to others, and blending articles which could only be discussed separately, and in succession. They not only introduced demands inconsistent with the preliminaries specified by Pettekum upon the authority of the grand pensionary; but they were continually enlarging their demands; and when these were admitted contrary to their expectations, they resorted to indefinite

" The marquis de Torcy, in the course of these conferences, was often observed to shed tears, he had the king's honour so much at heart. Cunningham, vol. ii. p. 241.

" Letter from the French Plenipotentiaries to the Grand Pensionary. Gertruedenberg, 20th July 1710. Duclos, vol. i. p. 17. Torcy, vol. ii. p. 92. Meisner, p. 34.

conditions

CHAP. XVI. conditions to which it was impossible the French king could consent, except in the full confidence of candour and generosity, whereof no traits appeared in the characters of those who were to explain and enforce them. The deputies were not even ashamed to confess that they had used dissimulation, and were pleased with its success in misleading de Torcy and Rouillé". When at length every essential demand was yielded by the French king, they still exacted such securities for the performance of his engagements, as he could not grant without violating every obligation of honour and affection; namely, that he should alone, and unassisted, perform the unnatural deed of deposing his own grandson within the space of two months.

4. The evidence of the French king's sincerity in making offers of peace at this time, may be rested entirely upon the value and extent of the concessions to which he agreed. Though Lewis never had, either during the dependence or after the close of the negotiations, discovered any symptoms of his anxious desire for their success; and though, from the delay and exorbitant demands of the deputies, there had been no ground for inferring their predetermined resolution to entangle the business, and traverse its object, yet, if he consented to such preliminaries as were decisively beneficial to the allies, and fully adequate to the purposes for which they had entered into the war, with what shadow of argument, can his sincerity be questioned, or the failure of peace imputed to him? Let any person, after deliberately investigating the respective interests of the allied powers, estimate the full extent of the advantages which would have accrued to them, severally and jointly, from such a peace as was now offered; and let him say, whether the rejection of it can be justified upon any sound, moral, or political principle? But should it

" Torcy, vol. i. p. 189, passim. Rouillé, answered they, "that you always supposed it, surprised at the insincerity and haughtiness of the negotiators, as well as the unexpected severity of the conditions, said, "that he looked upon the restitution of Lisle as a point already settled." "It is true," answered they, "but we never had any such thought; you mistook our intentions. We were willing to let you believe what you pleased." Torcy, vol. i. p. 205.

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be contended, that the propositions made by Lewis were inadequate to the expectations of the allies, yet, from the anxiety of his ministers for continuing the conferences, and their strong declarations of the earnest desire of their master to come to an accommodation upon those very articles to which he had partially objected, is there not reason to presume, that their demands were likely to have been gratified in every point, exclusive of that which insisted upon making Lewis the instrument of compelling the resignation of his grandson<sup>22</sup>? If all the rest of the conditions accepted by the French king had been fulfilled, would it have been possible for Philip, single and unassisted, to have supported his title against the united and concentrated force of so many potent adversaries?

As the articles agreed to by Lewis were highly favourable to the Dutch, so they were, at an early stage of the treaty, generally acceptable to them<sup>23</sup>. Heinsius, who well understood the true interest of his country, and was not destitute of patriotic zeal, was so fully convinced of the advantageous terms proposed by France, that, in the course of private conversation with the French plenipotentiaries, he could not restrain himself from expressing a satisfaction, which he durst not avow in the presence of the English ministers<sup>24</sup>. But Heinsius, though he had acquired an uncontrolled ascendancy in the councils of the United Provinces, was not the master of his own resolutions, even when he was conscious of their being founded in wisdom and equity. He had been the confidant and admirer of king William; and, during the life of that prince, implicitly adopted his opinions and promoted his schemes. As he had entered, with ardour, into the grand alliance, which was the last legacy of his master; so, after his death, he devoted all his influence to the service of the duke

<sup>22</sup> Dr. Hare, who was chaplain to the duke of Marlborough, and the most zealous defender of every measure in which he was concerned, admits, that Torcy waited upon the pensionary before his departure from the Hague, and informed him that he was em-

powered to recede from all the other points he had insisted upon, excepting the 37th article. Dr. Hare's Third Letter to a Tory Member.

<sup>23</sup> Torcy, vol. i. p. 187. 195. 285. 290. *Abbrégé de l'Histoire de Hollande*.

<sup>24</sup> Torcy, *passim*.

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of Marlborough who became its head and guardian. Prince Eugene had conceived an early pique at Lewis, which lasted during the whole of his life. Trained in a camp, he was fond of war to which his habits were adapted, and upon which his reputation and consequence depended. The influence of these prejudices, together with a just deference for the superior talents of the duke of Marlborough, made him implicitly submissive to his views, and rendered him at this time a strenuous opposer of the peace<sup>25</sup>. By his interest with the emperor, and with his nephew the duke of Savoy, their agents were also brought upon the stage, and exhibited an unanimity in the final decision of this question, but little consistent with those secret jealousies and selfish designs, which alienated their hearts from each other.

From these facts we are authorized to conclude, that the duke of Marlborough was the principal arbiter of the negotiations carried on at the Hague and Gertruedenberg; and that the other ostensible agents were not more significant than puppets, which echoed his voice and moved by his impulse. Upon the conclusion of the war, he had not the reverfionary consolation of maintaining that sway in the cabinet, which had, ever since the commencement of the present reign, been the primary spring of all public measures; nor even of participating in the restricted emoluments of a peace establishment. The junto, with which he was connected, had been long losing favour at court; and it was well understood, that nothing but the importance of the duke's services in the field still secured to them the possession of all the ministerial offices; and hence all their efforts were employed at home, in concert with him, to obstruct and frustrate the negotiation for peace<sup>26</sup>.

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<sup>25</sup> Cunningham, vol. ii. p. 314. Prince Eugene was piqued at Lewis, because he had refused him a troop of dragoons. Voltaire, vol. i. p. 337. Though he was not a forward speaker, he harangued the States upon the in-

sincerity of the French king and the necessity of continuing the war. Cunningham, vol. ii. p. 313.

<sup>26</sup> *Appendix*, N° XXVII. There are specious grounds for suspecting that private resentment

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14th April.

The negotiations for peace did not suspend the operations of the belligerent powers. The fort of Montaign, important for its situation at the confluence of the Scarpe and Schelde, was attacked by the direction of the earl of Albemarle, and the garrison, consisting of not more than seventy men, made prisoners of war. It was recovered the next day by the French, but within three days retaken by the allies<sup>29</sup>.

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The duke of Marlborough and prince Eugene, having assembled the troops which wintered in Flanders and Brabant at Tournay, advanced with such unexpected rapidity, that they surprised the French lines which covered Douay and the frontier towns, notwithstanding these lines having been rendered stronger by additional fortifi-

ment, as well as ambition, rendered the duke of Marlborough more active in thwarting the peace. Considering the pre-eminence which he had obtained among the allies, he thought himself affronted, because the French king did not apply to him, as the principal agent, upon his proposing to enter into negotiations. In the preceding campaign, the duke made an offer, to the duke of Berwick, of his best services for accomplishing a peace. His offer was notified to the French court, but was interpreted as an evidence of the weak state of the allied armies. The duke of Berwick observes, "that there was not the least appearance of duplicity in Marlborough's letter to him; and, that he was convinced, that the rejection of Marlborough's offer proved the principal cause of the aversion which he shewed ever after to pacific measures." Berwick, vol. ii. p. 47, &c.

Mefnager says, that it was the general opinion of those who advised the French king, that it was impossible to obtain a peace without application to the duke of Marlborough, because he had now got such an ascendant over the princes and states of the confederacy; but that the king obstinately resisted this opinion; and when he had resolved to treat with the States about the preliminaries, he said, deri-

sively, "*I must set on foot this impossible thing.*" Mefnager, p. 13, &c.

From the information which Lewis had received concerning the state of parties in England, he believed, that Marlborough's interest in the cabinet was at an end, and that he could be of no use in forwarding the peace. Discovering his mistake after the commencement of the treaty, he instructed de Torcy to offer the duke a premium for his good offices; (Torcy, vol. i. p. 299.) but offended pride will not always be appeased by lucre, though the heart be enthralled by covetousness. To a person long inured to the homage attendant upon power, nothing can be more galling than the symptoms of its decline, or the withdrawing that notice and respect which he has been wont to receive; and, while his power yet survives, its last efforts will be exerted in avenging itself upon those who have insulted it under the agonies of dissolution. Thus, Marlborough was the more humbled and exasperated by the neglect of Lewis, from the abasement of which it reminded him; but, staggering as he was in the favour of the court, he had still power enough to be terrible to his enemies, and Lewis paid dear for the affront he had put upon him.

<sup>29</sup> Quincy, tom. vi. p. 317.

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cations, than they were when Villars had stopped the allied army there the preceding campaign<sup>30</sup>.

The confederate army, being now augmented to one hundred and twenty-five thousand by the junction of the Hessians and Palatines, the generals determined to undertake the siege of Douay<sup>31</sup>. It was invested on the 23d April by forty battalions under the command of the prince of Anhalt Deffau and the prince of Nassau Friesland. From the strength of its outworks, as well as the numbers of its defenders, amounting to eight thousand men, the siege proved tedious and bloody. The French made several desperate sallies, in which they cut off great numbers of the besiegers, and sometimes destroyed their works<sup>32</sup>. At length the latter having made large breaches in the walls, and become masters of two ravelins from which they were preparing to bombard the city<sup>33</sup>, the garrison was forced to capitulate both for the town and fort Scarpe. The confederates had two thousand men killed, and above five thousand wounded in the course of this siege<sup>34</sup>.

7th, 27th,  
30th May.

25th June.

The marshal Villars had passed the Scarpe with the intention of raising the siege of Douay, and had advanced within cannon shot of the duke of Marlborough's camp, between Sens and the Scarpe opposite to Vitry; but finding that the duke's army was superior to his own, and strongly entrenched, he retired behind the Sanfette to cover Arras, which the confederate generals had destined for the next object of attack<sup>35</sup>.

30th May.

After the surrender of Douay, the allies advanced into Artois, and successively besieged Bethune, St. Venant, and Aire. Bethune held out from the 15th July to 28th August<sup>36</sup>. St. Venant surrendered

<sup>30</sup> Lediard, vol. ii. p. 240. Kane, p. 85.

<sup>31</sup> A large city of the French Netherlands, in the principality of Flanders, situated on the river Scarpe, fifteen miles south of Lille.

<sup>32</sup> Quincy, tom. vi. p. 318. 340. St. Simon asserts that the allies lost two thousand men, 21st June, in one of those sallies. St. Simon, tom. vi. p. 500.

<sup>33</sup> Quincy, tom. vi. 338.

<sup>34</sup> Preston's Memoirs. Military History of Marlborough, p. 498.

<sup>35</sup> Quincy, tom. vi. p. 332. 341. Kane, p. 86. Berwick, vol. ii. p. 86.

<sup>36</sup> Lediard, vol. ii. p. 261. Preston's Memoirs.

17th

CHAP. XVI. 17th September, the day after it was invested. Aire, being naturally defended by morasses, resisted for a month, and was reduced with considerable loss<sup>37</sup>.

28th Sept. The only enterprise of consequence, in which the French succeeded, was the capture of a valuable convoy of military stores, belonging to the confederates on the Lys. The marquis de Ravignan, with a large detachment from Villars' army, came by surprise upon the earl of Athlone, who escorted it with twelve hundred men. The ground, which the confederates occupied, being fortified on all sides, excepting where the attack was made, they resisted for some time with great intrepidity, but were at length forced to surrender to superior numbers, after above five hundred of them had fallen<sup>38</sup>.

Another lethargic, uninteresting campaign elapsed on the Upper Rhine. The French army, commanded by marshal Harcourt, was drained by the supplies sent to the camp of Villars. That of the Germans, as usual, was ill recruited, and wretchedly deficient in every necessary for the field. The ingenuity of the antagonist generals was entirely confined to the inoffensive objects of strengthening their entrenchments and guarding against surprise. If there was any advantage in this quarter, it belonged to the French, who passed the Rhine, and lived for several weeks at the expence of the Germans<sup>39</sup>.

July. The campaign in Piedmont produced no events materially affecting the condition of the contending powers. The duke of Savoy discovered less activity in forming and preparing his troops than in any former year of the war, so that the season was far advanced

<sup>37</sup> Lediard, vol. ii. p. 266. 268. 271. The capture of Aire opened the passage of the allies to the Soame.

<sup>38</sup> Quincy, tom. vi. p. 374.

<sup>39</sup> Id. p. 392. The elector of Hanover, in opposition to the desire of the queen, had resigned the command of the German army. His declining to comply with her request, at a time when his interest so much

depended upon her favour, is sufficient proof that he despaired of reaping any honour from such a command; and the letters he writes in apology to the queen afford a striking description of the tardiness, obstinacy, and faithlessness of the Germanic body. See his Letters 4th January, 6th February 1710. Hanoverian State Papers.

before

before they could be put into motion. His affections, from the ill usage of the emperor, had grown cold to the alliance; and he was well pleased to avail himself of the excuse of bodily indisposition for declining the command of the army, which was conferred upon count Thaur<sup>40</sup>. The count made several attempts to penetrate into Dauphiny and Provence; but the duke of Berwick, who had returned from the camp in Flanders, observed all his motions with a vigilant eye, met him at every pass, and disconcerted his projects<sup>41</sup>. Although, however, the Italian army failed in its principal design of entering into the French territory, it essentially contributed to the interest of the allies, by making a diversion from the enemies force, which was destined to serve on the frontiers of Spain; and to this, the early success of king Charles, in that quarter, seems to have been principally owing<sup>42</sup>.

The campaign in Spain was rendered singularly interesting by that fluctuation of the success and misfortune which alternately elated and depressed both of the competitors.

Very effectual endeavours had been used in the winter, on the part of the allies, for keeping the magazines full, and supplying the army with provisions. The recruits sent from England were more entire and healthy when they took the field than they had been in May. June. any former season<sup>43</sup>. King Philip, whose army was superior, obtained some small advantages at the beginning of the season, by tak-

<sup>40</sup> As it has been observed, that the duke of Savoy had been offended at the conduct of the emperor, so it appears, that he now entertained the wish of coming to an accommodation with the court of France; and had found an opportunity of making a private intimation of this to the duke of Berwick. Letters from Mr. St. John to Lord Townshend, 1710. MSS. Berwick, vol. ii. p. 103.

<sup>41</sup> Berwick, vol. ii. p. 97. Barré, tom. x. p. 471.

<sup>42</sup> Tindal, vol. viii. p. 423.

<sup>43</sup> As for her majesty's own troops, I shall

observe to your lordship, that I attribute the good condition they are in, chiefly to their having been landed in a proper season, and having had a winter in quarters, to accustom them to the climate; whereas, we have found, by the experience of all this war, that all the men which have been landed in the spring, or in the summer, and have immediately been put upon service, have mouldered away to nothing by sickness. Extract from a Letter of General Stanhope to Lord Sunderland. Camp at Portilla, 22d June 1710. MSS.

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ing a few posts and magazines in Catalonia, and laying the country under contributions<sup>44</sup>. King Charles, being afterwards prevailed upon to put himself at the head of the allies; and their army being augmented by large reinforcements from Italy, advanced towards the enemy, who retreated upon his approach. He overtook them near Almanara; and was persuaded by general Stanhope to venture an engagement. The enemies cavalry, upon being attacked, soon gave way; and their infantry, retreating under shelter of the night, sustained no considerable loss; but several pieces of their cannon and most of their baggage fell into the hands of the allies<sup>45</sup>, who, after this engagement, made great progress in Arragon. Philip retired with his army to Lerida; but provisions failing him, he passed the Cinga, and directed his march towards Saragossa. The allied army followed; and their cavalry, coming up with his rear and attacking him at Penalva, were repulsed, and suffered severely<sup>46</sup>. But their loss was more than retrieved by the allies at Saragossa, where the armies came to a pitched battle. Although the right wing of the Spaniards fought with admirable bravery, and repulsed the confederate cavalry, yet their left, composed of the new levies, gave way, which threw their whole army into confusion, and obliged them to retreat. This victory cost the allies two thousand men; three thousand of the Spanish army were killed, and five thousand made prisoners<sup>47</sup>, who, however, were released by the governor of Lerida attacking and dispersing the guard which was conducting them to Barcelona<sup>48</sup>.

<sup>44</sup> Quincy, tom. vi. p. 483. Journal of the Campaign in Catalonia. MSS.

<sup>45</sup> Quincy, tom. vi. p. 419. *Appendix*, N° XXVIII.

<sup>46</sup> The accounts of this action are so perplexed and obscure, and the issue of it so differently stated, that it is difficult to know, whether the allies, or the French, had the best pretensions to victory. Compare Quincy, tom. vi. p. 421. *Histoire de Louis*, tom. vi. p. 502. *History of Europe*, 1710, p. 562.

The truth seems to be, that, though a sharp skirmish took place, and terminated in favour of the French, yet it produced no consequential advantages. The French magnify their success to balance their subsequent loss at Saragossa: it even appears, that they had attempted to confound it with that event, by giving it the same date.

<sup>47</sup> *Appendix*, N° XXIX.

<sup>48</sup> Quincy, tom. vi. p. 423—7. Barré, tom. x. p. 572.

After

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After the defeat at Saragossa king Philip made all the haste he could to Madrid, where he had the consolation of receiving such testimonies of attachment from the inhabitants, as were the less suspicious, because they were given at the ebb of his fortune. Not thinking it safe, however, to remain there upon the approach of a victorious enemy, he removed to Valladolid with his court and family<sup>49</sup>.

After king Charles had taken measures for securing his interest in Arragon, by changing the public officers, fortifying the principal posts, and erecting magazines, he advanced with his whole army to Madrid<sup>50</sup>.

Different opinions had been proposed in a council of the general officers, with respect to the most effectual steps for improving their late victory, some of them recommending to take possession of the kingdom of Castile, where his rival had so many friends, and others thinking that the stability of his good fortune depended upon his returning to Catalonia, and sending detachments to secure the passes in Navarre, through which reinforcements were advancing from France to strengthen the army of Philip<sup>51</sup>. Unfortunately, as the event proved, the first of these counsels was preferred, and king Charles entered the metropolis of Spain a second time; but instead of congratulations, he now experienced a mortifying demonstration of the deep-rooted and invincible abhorrence of the Castilians to his person and government. A mournful disgust was painted upon every countenance: the people ran into their houses and locked their doors, as if to avoid a spectacle of horror. The money, scattered in the streets to bribe the ostentation of loyalty, lay untouched and despised. Many of his soldiers were assassinated in the dark. A company of comedians, who had performed in honour of his arrival,

<sup>49</sup> Quincy, tom. vi. p. 428. Not only the grandees and officers of state, but multitudes of the people followed their sovereign. Many ladies of rank, who could not be provided with carriages, performed the journey on foot, that they might not incur the mortification of be-

holding his hated rival triumphant in the metropolis.

<sup>50</sup> Quincy, tom. vi. p. 427.

<sup>51</sup> *Id.* p. 430. Tindal, vol. viii. p. 436, 7. Carleton, p. 258.

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CHAP. XVI. 1710. were severely beaten by the mob, and their manager was put to death. The acclamation *Vive le Philippe* resounded from every quarter, and interrupted the silence of the night<sup>53</sup>. Nor were these professions of attachment circumscribed within the walls of Madrid, and productive only of barren adulation and compliment. The misfortunes of their prince, instead of disheartening his subjects, inflamed the ardour of their affections, and stimulated the vigour of their efforts. The grandees flocked from every province, loaded with money for the payment of his soldiers. The clergy inculcated fidelity to their fallen monarch, and set an example of it by the voluntary proffer of liberal contributions. The province of Andalusia alone replaced his cavalry, which had principally suffered in the late defeats. The Castilians of lower station, who were unable to express their loyalty by pecuniary donations, divided with the soldiers the victuals which they had provided for the sustenance of their own families. Charles, after remaining only one night in the capital, where his life was in danger, moved to Toledo with the intention of residing there through the approaching winter<sup>54</sup>. But the same hostility, which he had experienced in the metropolis, broke out in every part of Castile; and, though the army of Philip had not been augmented by strong reinforcements, must have rendered his quarters there untenable. All the provisions of the country were either carried off, or concealed by the hostile artifices of the inhabitants. His army was mouldering away, being continually harassed by bodies

<sup>53</sup> Quincy, tom. vi. p. 432. Barré, tom. x. p. 573.

<sup>54</sup> Id. The enthusiasm of loyalty descended to the most abandoned of the human race. The courtizans dispersed themselves among the troops of the archduke; and, by their infidious familiarities, destroyed more than had fallen in any single battle. They boasted of their patriotism in having refused their favours to the king's troops. Duclos, tom. i. p. 21.

The king owed much of his popularity to the alluring manners of the queen, who displayed great compassion for the miseries of the people, and undaunted fortitude amidst the greatest dangers. Id. St. Simon, tom. iii. p. 247. An extraordinary example of the fidelity of one of her majesty's valets deserves to be recorded. When flying from Madrid, she intrusted all her jewels, and one of immense value, called the Peregrine, to his care; and he delivered them safe at Paris. Id.

The archduke, says Duclos, never understood that it was impossible for him to reign till he entered the capital.

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of the peasants, led on, and assisted by the French soldiers<sup>55</sup>. In these circumstances, Charles found it necessary to evacuate Toledo with such precipitancy, that he could not remove the stores deposited in his magazines; and, after having destroyed them, pursued his march to Arragon, attended by a small body of troops, while generals Staremberg and Stanhope were directed to follow with the whole of the forces<sup>56</sup>.

The duke of Vendosme, having arrived with considerable reinforcements from France, was now at the head of an army superior to that of the allies; and to this circumstance, together with the great popularity and expedition of that general, we may ascribe the change of fortune which fixed the throne of Philip upon impregnable foundations<sup>57</sup>. While the confederates were retreating in separate detachments through Castile to Arragon, the duke of Vendosme, by marching night and day with the greatest dispatch, came unexpectedly upon the rear of the army, which was commanded by general Stanhope, at Briheuga. The latter, though far inferior in numbers, attempted to defend the place, in hope of general Staremberg's coming up to his relief; but ammunition failing he was forced to surrender. Seven thousand British soldiers were made prisoners, and several hundreds were killed<sup>58</sup>.

Count Staremberg, hearing of the attack made upon Stanhope, marched back with his whole force to support him; but he came too late, and met the French and Spaniards flushed with victory, under the heights of Villa Viciosa, about two leagues from Briheuga<sup>59</sup>. Staremberg found an engagement unavoidable, though he had to enter upon it with manifest circumstances of disadvantage. His army was inferior in numbers, and drawn up in an open plain,

<sup>55</sup> Barré, tom. x. p. 573. Quincy, tom. vi. his standard. Money, provisions, and every kind of supply were abundantly furnished.

<sup>56</sup> Id. p. 442. Cunningham, vol. ii. p. 332.

<sup>57</sup> The duke of Vendosme had great popularity. His arrival kindled an enthusiasm among the Spaniards. Multitudes flocked to

Voltaire, vol. i. p. 347.

<sup>58</sup> Quincy, tom. vi. p. 444. Cunningham, vol. ii. p. 333.

<sup>59</sup> Quincy, tom. vi. p. 447.

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which

CHAP. XVI. 1710. which afforded no protection. The French began the attack, and had the advantage for some time, by the impression which they made on the right wing, and almost entirely routing the left of the allies; but being repulsed by the valour of the troops in the centre, both wings rallied, and prevailed every where against the enemy. Such is the account of this battle given by general Staremberg<sup>59</sup>. On the other hand, the French historians claim the victory; admitting, at the same time, every fact honourable for the general and his troops, whose bravery they praise as exceeding almost any thing that occurs in the annals of war<sup>60</sup>.

29th Dec. After this battle, count Staremberg found his army so much reduced, that he durst not hazard a second. He first retreated to Saragossa, but as he could not rely upon the fidelity of his troops, which were deserting in whole regiments to the enemy, hanging upon his rear<sup>61</sup>, he proceeded to Catalonia, and arrived at Barcelona, in the beginning of February. Balaguer and Girona surrendered to the arms of Philip, so that Charles was now confined within the narrow principality of Catalonia, open to the incursions of the enemy on every side<sup>62</sup>.

The tide of prosperity now began to flow, with wonderful rapidity, in favour of king Philip. All the provinces of Spain strove to

<sup>59</sup> Staremberg's Letter to the King of Spain. History of Europe, 1710, p. 617.

<sup>60</sup> Quincy, tom. vi. p. 449. Barré, who is by no means partial to the French, not only assigns them the victory, but a very considerable capture of cannon, tom. x. p. 575. The French appear to have been successful for a considerable time after the engagement began; but the great bravery of Staremberg, in the centre, which is mentioned with admiration by his enemies, occasioned a favourable turn for the allies, when night coming on, after the engagement had lasted above three hours, rendered the issue undecided. Compare Quincy, Histoire de Louis, History of Europe. Whatever the immediate, apparent success of this engagement might be, the consequence proved fatal to the allies, as the loss of three or four thousand men, added to the capture of the

troops at Briheuga, rendered them incapable of facing the enemy again. Lord Townshend in a Letter to Mr. St. John, Hague, 11th January 1711, says, "that the accounts, published by the French on this occasion, were scandalous and false."

<sup>61</sup> Quincy, tom. vi. p. 452.

<sup>62</sup> Tindal, vol. viii. p. 449. Girona is situated upon the river Ter, twenty-five miles north-east of Barcelona, on the road from Roussillon to Barcelona; Balaguer, on the river Segra, seventy miles north-west, on the road from Arragon to Barcelona. The former was invested in November, but did not surrender till 31st January 1711. The latter was evacuated by the garrison, 23d February 1711, upon the approach of the marquis de Valdecasas to attack it. Annals Anne, 1710, p. 132, 3.

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outdo one another in tokens of affection to their triumphant monarch. Recruits, horses, and provisions poured in from every quarter, and his army was quickly multiplied to such a superiority, as constrained the friends of Charles to despair of his cause<sup>63</sup>.

The marquis de Bais, who commanded the Spanish forces in Estramadura, prevented the junction of the Portuguese with the army of Staremberg, and extended his depredations into the heart of Portugal. He made himself master of the town of Mirando de Douro by surprise, and formed the blockade of Braganza, which was raised by the marquis de Risburg. The capture of a few inconsiderable villages on the frontiers of Spain, was all that the confederates had to balance the success of Philip in Portugal<sup>64</sup>.

During these operations some ships of war were taken on both sides. Sir John Norris, who commanded the Mediterranean squadron, prevented a descent, intended by the French and Spaniards upon the island of Sardinia, by making prizes of four Tartanas with four hundred and fifty men, who had landed there; and afterwards of eight large barks, with five hundred men, destined for the same purpose, lying in the gulf Ajazzio<sup>65</sup>.

An expedition was again concerted in favour of the Cevennois. The English troops landed, and easily got possession of the town of Agde; but upon hearing of the approach of the duke of Noailles, they embarked, leaving a small garrison at La Cotte, which became his prisoners<sup>66</sup>.

A fleet was sent out to Newfoundland, to recover the loss sustained there the preceding season. The garrison of Port-Royal surrendered upon capitulation<sup>67</sup>. All the French harbours, on the north side of Newfoundland, were visited and destroyed by the English fleet<sup>68</sup>.

<sup>63</sup> Upon hearing of these events, the elector of Hanover shrewdly remarked, that the union of France and Spain was the gordian knot, which it was impossible to unloose.

<sup>64</sup> Quincy, tom. vi. p. 428. 465. History

of Europe, 1710.

<sup>65</sup> Lives of the Admirals, vol. iii. p. 244.

<sup>66</sup> Id. p. 246, 7.

<sup>67</sup> Id. p. 252.

<sup>68</sup> Id.

Upon

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Upon the review of this campaign, it appears, that the allies had little to boast of; they added several valuable towns to their former conquests, but were removed farther than ever from the principal object at which they professed to aim. Their prospect of subduing Spain, and deposing Philip, was now become more desperate; and when seven millions of money, and the lives of above twenty thousand men, are put in the balance against all their other advantages, posterity cannot hesitate in condemning the folly, as well as the iniquity of those who wantonly prolonged the war.

## CHAP. XVII.

*Effects of Sacheverel's Trial.—Mr. Harley admitted to secret Conferences with the Queen, who is anxious for the Restoration of Peace.—Symptoms of her Displeasure with the Whig Ministers.—Their Efforts to maintain their Power.—Mr. Harley's Views with respect to the new Arrangements.—Parliament dissolved.—Changes and Promotions.—Circumstances favourable to the Tories at the General Election.—Meeting of Parliament, &c.—Inquiry and Representation of the Commons relative to public Abuses.—Inquiry of the Lords concerning the Management of Affairs in Spain.—Their Resolutions.—Act relative to the Qualifications of Members of the House of Commons.—Decline of public Credit.—Endeavours of the Ministers for raising it.—South-sea Scheme. Proceedings of the Convocation.—Rivalship and Disunion among the Leaders of Administration.—An Attempt upon Mr. Harley's Life by Guiscard.—Measures occasioned by that Event.—Prorogation of Parliament.*

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THE issue of Dr. Sacheverel's trial proclaimed the impotence of ministerial vengeance; and, instead of stigmatizing and restraining those pernicious principles which he maintained, contributed to encrease the number and effrontery of their votaries. The danger of the church resounded in every village: the doctrines of indefeasible

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indefeasible right, and non-resistance were revived, and inculcated with as little reserve as under the reigns of her majesty's uncle and father: the revolution was compared to the breach made upon the constitution in 1648; and the trial of Sacheverel was represented as a counterpart to that of archbishop Laud. Such was the popular avidity for publications of this stamp, that the hawkers and pedlars who retailed them, found a ready sale and kind reception in every part of the country, while those in defence of the Whigs remained unfolled, and exposed the authors and publishers to the fury of the mob.

There were strong reasons for believing that this change of public sentiment was by no means disagreeable to the queen. The whig junto had long maintained the strong holds of power in opposition to her secret inclinations. Indebted to her timidity and the fortune of incidents for the removal of their rivals, instead of trying to regain her confidence by a respectful deference, they still continued to exercise the same dictatorial authority in the cabinet, and thwarted her in points where both her affection and honour were deeply interested.

Upon the death of the earl of Essex, her majesty expressed her earnest desire to give his regiment to lieutenant colonel Hill, the brother of Mrs. Masham. The duke of Marlborough and the earl of Godolphin remonstrated against her choice, because such a public mark of favour, to a family that acted in opposition to them, would be considered as a signal of their declining power, and could not fail to lessen their authority both at home and abroad. The queen did not seem to feel the force of this argument, and still persisted in her purpose. The duke of Marlborough discontinued his attendance at court. His friends upbraided the sovereign with ingratitude, and threatened vengeance against the favourite, by using their influence in parliament to remove her from the royal presence. Overawed by

\* Impartial View, p. 234. History of Europe, 1710. p. 556.

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these menaces, her majesty, after a painful struggle, yielded to her servants, which published the mortification and servility to which she was reduced<sup>2</sup>.

As the queen's affections were secretly withdrawn from her present ministers, so the prosecution of Dr. Sacheverel, and the strain of argument by which it was supported, tended to revive her early prejudices against the Whigs. Notwithstanding that her own title to the crown was founded upon the revolution settlement, and the authority of parliament, she did not relish the disparagement of her lineal right; nor was she pleased to hear the managers for the commons insisting so vehemently upon the limitation of prerogative and the lawfulness of resistance<sup>3</sup>. In the course of historical investigation, they could hardly avoid to wound her feelings as a relation, by introducing such facts as reflected upon the memory of some of her royal ancestors<sup>4</sup>. On the contrary, the declamation of the doctor's defenders, coinciding with her prejudices, impressed her with serious apprehensions concerning the danger of the church. Wedded to its interest by a zeal more sincere than that of many of its present champions, it was not to be expected that she could escape the taint of fanaticism, which, like a pestilence, infected the mass of her subjects; and, though she was constrained formally to approve of the late proceedings of her ministers, yet her heart and wishes were against them. She was tardy and reluctant in executing the laws for controlling the violence and riots which happened during the trial, and certainly did not sympathize with the leaders of the

<sup>2</sup> Tindal, vol. ix. p. 5. Life of Bolingbroke, p. 168. The Whigs intended to move for an address in the house of commons to dismiss Mrs. Masham. The queen was so much alarmed, that she made private applications to the members to oppose it; and the Whigs, apprehending that they were not likely to prevail, desisted from their intention. History of the late Ministry. Lond. 1715.

<sup>3</sup> Letter from a Foreign Minister to Mon-

sieur Pettekem. The earl of Wharton, in his speech upon Sacheverel's cause, the queen being present, said, that if the revolution was not lawful, many in that house were guilty of murder, rapine, and injustice; and the queen herself was not a lawful sovereign, since the best title she had to the crown, was her parliamentary one, founded upon the revolution. Oldmixon, vol. ii. p. 437.

<sup>4</sup> Life of Bolingbroke, p. 168.

cabinet

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cabinet upon the frivolous conclusion of a business into which they had entered with so much passion and anxiety. From all these circumstances, the party, which had long been banished from court, was elated with the hopes of an honourable recall. Mr. Harley was again admitted to secret conferences with the queen: she was already well disposed for coming to a rupture with the party in office, provided she could find the means of doing it with effect. The prevailing sentiments and inclinations of the people were represented as adequate to the accomplishment of her wishes; and, if encouraged and made known in a temperate and constitutional way, would warrant her undisguised approbation and concurrence. To bring this to pass, the endeavours of the Tories, particularly those of the ecclesiastical order, were exerted with the utmost diligence and success under the clandestine patronage of the sovereign. Addresses were brought to court from every part of the country, containing the warmest declarations of loyalty. Her majesty's hereditary right to the crown was recognised. The danger of the church lamented; the conduct of schismatics arraigned; and the late proceedings of the house of commons condemned, with strong assurances, that if her majesty would be pleased to dissolve the present parliament, she might depend upon their choice of representatives, friendly to the crown and to the church. To counteract these addresses, others, in a different strain, were promoted by the Whigs; but they were comparatively few, and met with an unwelcome reception from the court<sup>5</sup>.

Her majesty's inclinations became every day more evident, not only from her partiality to the tory addresses, but from her private

<sup>5</sup> History of Europe, 1710, p. 590. Oldmixon, vol. ii. p. 450. Salmon, vol. xxvi. p. 120. Great stress was laid upon her majesty's hereditary title, obliquely disparaging her parliamentary one, as well as that of the late king. Republican and Popish principles were coupled together, and reprobated with indiscriminate detestation. The word Tolera-

tion was artfully avoided; the expressions substituted in its place were, *legal indulgence to consciences truly scrupulous; legal impunity to tender consciences*. Her majesty was assured, that the utmost care should be taken to choose such representatives as should inviolably maintain her prerogative. The Voice of the Addressers. Lond. 1710.

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demeanor,



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demeanor, and the complexion of those measures which flowed from her own uncontrolled direction. The servants of the royal household, who had been convicted of riotous proceedings during Sacheverel's trial, obtained her majesty's pardon; some of the doctor's friends were preferred to benefices in the gift of the crown; and in the lists of military promotions, there appeared the names of officers who were piqued at the general, for having been slighted by him in the course of their services during the war<sup>6</sup>.

The apprehensions of the ministry were first excited at the close of the last session of parliament by the removal of the marquis of Kent from the office of lord chamberlain, and the appointment of the duke of Shrewsbury as his successor, who had incurred the displeasure of the Whigs by voting against them in the affair of Dr. Sacheverel<sup>7</sup>. Although no farther change immediately ensued, yet, from such a series of circumstances ominous to their interest, the junto were convinced, that the only expedient for retaining their power was to divide the people by turning the torrent of alarm into another channel. The fulsome flattery of prerogative, the avowed preference of her majesty's hereditary to her parliamentary right, and the suspected characters of many who took the most active part

<sup>6</sup> The earl of Portmore was appointed commander in chief in Portugal in the room of the earl of Galway, the friend of the duke of Marlborough. Lord Windsor, whose regiment had been taken from him for voting against the Whigs, was made a lieutenant-general. General Webb, who had the principal merit in obtaining the victory at Wynendale, was appointed governor of the Isle of Wight. Political State, vol. i. p. 8. Lond. 1718.

<sup>7</sup> Tindal, vol. ix. p. 10. The alarm of the Whigs, upon her majesty's resolution of bringing the duke of Shrewsbury into the administration, is strongly marked in a letter from lord Godolphin to her majesty, 15th April 1710: "To bring the duke of Shrewsbury into your service, and into your business, at this time, just after his being in a public, open

" conjunction, in every vote, with the whole body of the Tories, and in private constant caballing with Mr. Harley in every thing; what consequence can this possibly have, but to make every man that is now in your cabinet uneasy, and to run from it as they would do from the plague?" Again, "Your majesty having taken such a resolution, of so much consequence to all your affairs, both abroad and at home, without acquainting the duke of Marlborough or me with it, till after you had taken it, is the least part of my mortification in this affair, though perhaps the world may think the long and faithful services we have constantly and zealously endeavoured to do your majesty might have deserved a little more consideration."

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in support of these tenets, afforded plausible grounds for rousing a suspicion of designs being on foot to subvert the revolution settlement and the protestant succession. The most fatal consequences to public credit were portended from the dismissal of ministers, who had hitherto supported it under every emergency; and acquired the entire confidence of the 'monied interest'. A breach with the allies, and the reverse of the success which had hitherto crowned the British arms, were represented as certain effects of disgracing the general, to whose wisdom and valour their attachment and that success were ascribed. The Dutch and Imperial ambassadors were instructed, by their respective constituents, to expostulate with her majesty concerning the mischiefs that would accrue to the common cause, from taking her affairs out of those hands by which they had been hitherto so prosperously conducted<sup>8</sup>.

Whether it arose from the queen's being intimidated by these representations, which seemed to be verified by a concurrent depression in the stocks; or that she really had intended at this time to make only a partial change of the ministry, she received them at first with an apparent attention and complaisance, extremely flattering to the hopes of the remonstrants, and gave them positive assurance of her resolution to continue the duke of Marlborough in her service<sup>9</sup>.

Mr. Harley, with whom the queen chiefly consulted about the new arrangements, was probably desirous to unite with the principal members of the whig administration, upon the condition of their agreeing to measures for compelling the allies to a strict performance of their engagements, and of their listening to reasonable terms of peace, by which it was understood, that every possible security should be obtained for the protestant succession<sup>10</sup>.

Agree-

<sup>8</sup> The governor and directors of the bank of England waited upon her majesty, and expressed their fears with respect to public credit from the dismissal of the whig ministers.

<sup>9</sup> Salmon, vol. xxvi. p. 130—4.

<sup>10</sup> Tindal, vol. ix. p. 24.

<sup>11</sup> Political State, vol. i. p. 2. Conduct Oxford, p. 30. Lond. 1715. The friends of the new

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Agreeably to this system, the queen at first dismissed only a few of the Whigs, and when those who still remained in office obstinately refused to agree to any compromise or coalition, and even put her majesty at defiance, by resorting to foreign interposition for maintaining their power, her pride and resentment were roused to make a complete change of her servants; and this necessarily led forward to a premature and unexpected dissolution of the present parliament, which probably did not enter into the original plan of her advisers<sup>11</sup>.

The junto had the entire command of the house of commons; and a reliance upon its support, still more than the patronage of the allies, inspired them with confidence of being able to render the

new ministers expressed great dissatisfaction with the slowness of Mr. Harley in prosecuting the new arrangements. Swift's Letters, passim. The offers of compromise, tendered to the principal leaders of the Whigs, were rejected by them from an overweening confidence in the advantages which they expected to derive from the united support of the allies, of the monied interest, and of a majority in the house of Commons. Conduct of Oxford, p. 33. Cunningham, vol. ii. p. 310.

<sup>11</sup> Other Side of the Question, p. 100. Cunningham, vol. ii. p. 310. The seals were taken from the earl of Sunderland, 14th June, and given to lord Dartmouth; lord Godolphin was dismissed from the treasury, 8th August; Mr. Harley, the earl of Paulet, Mr. Paget, Mr. Mansel, and Mr. Benson, were made commissioners of that board. Mr. Harley was, at the same time, made chancellor and under treasurer of the exchequer, in room of Mr. Smith. Sir Simon Harcourt succeeded sir James Montague as attorney-general, 17th September; and was afterward, 19th October, made lord-keeper, upon lord Cowper's resignation of the great seal. Lord Somers was dismissed, and the earl of Rochester appointed president of the council, 21st September; the duke of Buckingham was made steward of her majesty's household, in place of the duke

of Devonshire, 21st September; and Mr. Boyle having the same day resigned his place of secretary of state, the seals were put into the hands of Mr. St. John, 29th September; the earl of Derby was dismissed from being chancellor of the duchy of Lancaster, and was succeeded by lord Berkely, 20th September; the earl of Wharton resigned the lord lieutenancy of Ireland, which was given to the duke of Ormond, 19th October; the earl of Orford withdrew from the admiralty; the other four commissioners, sir John Leake, sir G. Byng, Mr. Dodington, and Mr. Methun, were continued; to whom were added, sir William Drake, and Mr. Aillaby. Mr. G. Granville was appointed secretary at war in room of Mr. R. Walpole; Mr. Manly, surveyor-general, in room of Mr. Travers; and Mr. Arthur Moore, one of the commissioners of trade and plantations; the duke of Somerset was made master of the horse; the earl of Rivers was sent envoy extraordinary to the court of Hanover, December; the earl had formerly been a staunch Whig, and was thought the fittest person for reconciling the elector to the measures of the Tories. It has been also said, that he had authority to offer the elector the command of the British army in room of the duke of Marlborough. London Gazettes, June, &c.

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schemes of the new ministers abortive, and of soon resuming the supreme direction of affairs. The dissolution of parliament alone could baffle their hopes; and as this was an unprecedented measure, and disapproved of by some persons lately promoted, who had the greatest influence with her majesty, they were the less apprehensive of its being carried into execution. In these expectations, however, they found themselves disappointed. Proclamations were issued for dissolving the parliament, and calling another to meet on the 25th November.

The Whigs entered the lists of competition under such manifest disadvantages, as removed every hope of obtaining an equal share of the representation in the new parliament. The influence of the court, the officious zeal of the clergy, and the prejudices of the people were all hostile to them<sup>12</sup>. The very name of Dr. Sacheverel was a weight in the opposite scale, which no exertions on their part could counterbalance, and stands upon record as a demonstration, that caprice and fanaticism are not less capable of producing a sudden, and powerful influence upon the generality of the elective body, than those means of attraction to which the name of corruption has been appropriated. In the beginning of summer, he set out from London to take possession of a new living in Wales to which he had been presented by a zealot of the party. In his progress he was constantly attended by a cavalcade of riotous enthusiasts; entertained by the country gentlemen with as much magnificence as if he had been a royal guest; and received in some of the principal towns with ringing of bells, processions, and every demonstration of joy<sup>13</sup>. Nor were the effects of this prepossession confined to those districts which he animated by his presence. Their having voted for his impeachment was generally considered as an unsurmountable objection to the whig candidates, who were every where insulted and threatened by

<sup>12</sup> Political State, vol. i. p. 12.

<sup>13</sup> Annals of Anne, 1710, p. 202. The journals of the doctor's progress were printed

in the newspapers, and had a great influence in encouraging his party every where.

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the rabble. Many of them, who had the first political interest in the country, desisted from a struggle, in which they could not persevere without personal danger, and almost without any hope of success; so that in the new parliament the Tories came forth in all the plenitude of their power. In Scotland, the elections of peers were carried agreeably to the wishes of the court; in those of the commons, parties were more equally balanced<sup>15</sup>.

The third parliament of Great Britain met on the 25th of November 1710. Mr. Bromley, member from the University of Oxford, was unanimously chosen speaker of the house of commons<sup>16</sup>. In the first parliament of the queen, he had distinguished himself as an advocate for high-church principles; and to superior talents added a consummate knowledge of parliamentary business. The queen, having approved this choice, addressed both houses on the 27th to the following purpose. She mentioned her calling a new parliament as an evidence of her confidence in the duty and affection of her subjects. She recommended the vigorous prosecution of the war, particularly in Spain, for which she asked the necessary supplies<sup>17</sup>. She expressed great concern for the heavy debts of the navy,

<sup>15</sup> Impartial View, p. 257. Political State, vol. i. p. 20.

<sup>16</sup> The Whigs intended to propose Mr. Smith, who had already presided in parliament, and acted as a manager in Sacheverel's trial; but finding such a superiority against them, they did not bring him forward as a candidate.

<sup>17</sup> Nothing, says Mehnager, could have been more a-propos to his majesty's intentions, who would have been glad to see the war removed from Flanders, where it was too heavy for all France to support; and to have it carried into Spain, where every thousand men the confederates brought into the field, must have cost them as much as forty thousand men in Flanders. The same author represents the French king as being very merry with his friends when

he read the clause of the queen's speech relative to Spain, and the answer of the commons; namely, "We conceive it to be of the highest importance to carry on the war with vigour in Spain." "Ouy, Messieurs," said the French king, "il est de tres grand importance au France." Mehnager, p. 101. 103. See Letter on the Management of the War, p. 26. Lond. 1711.

"I lament the necessity of making new schemes, but believe any thing is better than pursuing old ones. When I left England, it seemed to me, that all mankind were agreed in the impossibility of carrying on the war in Spain, where successes become misfortunes, where the mines of Peru and Mexico would hardly supply the expense; and, from whence, neither our men

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navy, and an earnest desire that proper measures might be devised for discharging them, and preventing the like mismanagement in future. She professed her resolution to support the church of England; to preserve the union; to maintain the indulgence to scrupulous consciences; and to employ none in her service, but such as were hearty for the protestant succession.

The expression, relative to the dissenters, was the only one in the speech that afforded any handle of censure to those who were dissatisfied with the late change in administration. The adoption of the word *indulgence*, instead of *toleration*, which had been formerly used by the sovereign in her communications to parliament, if it did not indicate an inauspicious change of her disposition towards such of her subjects as were without the pale of the church, gave a sanction unbecoming the royal dignity, to the peculiar cant of the meanest agents, who had been employed by the new ministers for supplanting their antagonists<sup>18</sup>.

Both houses presented addresses to her majesty, coinciding with the sentiments of her speech. The commons evinced their alacrity to gratify the sovereign, by voting a liberal supply the day after they had presented their address; and resolving to maintain the military establishments entire and complete. They proceeded, without delay, to devise ways and means for making the supply effectual; and gave such dispatch to the land-tax bill, that it received the royal assent before the Christmas recess<sup>19</sup>.

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"nor money return." Extract of a Letter from Lord Peterborough to ———, 1711. MSS.

From the correspondence between Mr. St. John and lord Townshend, after the former was made secretary of state, it appears, that the new ministers were sincerely determined on the vigorous prosecution of the Spanish war.

<sup>18</sup> The defence of Dr. Sacheverel, with respect to the second article of impeachment; namely, that the toleration was unwarrantable, rested entirely upon the impropriety of the

term *toleration*, as unknown in law. The suppression of this word, condemned by a quibbling fanatic, and the substitution of the term *indulgence*, which he supported as legal, in her majesty's first speech to her parliament after the trial and while the impression of it was recent, had much the appearance of being done for the purpose of casting a reflection upon his prosecutors and judges.

<sup>19</sup> The Tories had now an opportunity of making reprisals upon the Whigs for the injustice they had formerly met with in the trials relative

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The new ministers, whatever were their merits or demerits in other respects, certainly stand acquitted of that inconsistency which has often been imputed to political men, who, after having made their way to power through a long struggle of opposition, have adopted, with little variation, the very system upon which they founded the guilt of their predecessors. The whole series of their measures, through this and succeeding sessions of parliament, perfectly corresponded with the spirit and tenor of the objections which they had uniformly urged against the whig administration. The neglect of the war in Spain, profuse expenditure of public money, abuses in offices, and the danger of the church, were made the subjects of parliamentary inquiries, and principally occupied the attention of both houses.

As the basis of their inquiries concerning the mismanagement of the revenue, and abuses in office, the commons addressed her majesty for all the estimates of the several sums demanded for the public service, and the vouchers for the disbursements of the public money in every department since the commencement of the war<sup>20</sup>.

1710, 11. After a minute examination of these papers, with the assistance of the commissioners of public accounts, they exhibited a detail of their various resolutions and observations in a representation and address to her majesty, at the end of the session.

4th June.

The principal charges contained in this representation, and assigned as the causes of the public debt, were the following.

That the service and expence of the war for several years past had been enlarged beyond the boundaries prescribed, and the supplies granted; that the surplus of particular funds had not been applied, agreeably to the rules of prudent œconomy, in aid of the deficiencies of others, but to cases not authorized by parliament; that the debts of the navy in particular had been increased, by transferring the sums

relative to contraverted elections; and did not fail to embrace it to increase their majority in the house of commons. Political State, vol. i. p. 134.  
<sup>20</sup> Journals Commons, 2d December, &c. passim.

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issued for that service to other purposes; all these practices were adjudged a misapplication of public money, and of the most alarming tendency, because they superseded the unalienable prerogative of the house of commons, and thus wounded the constitution in a vital part. Notorious abuses in victualling the navy were specified, and ascribed not only to the frauds of contractors, and subordinate agents, but to the gross mismanagement of the commissioners intrusted with that department. The treasurer was accused of criminal negligence and backwardness in not exacting payments from the collectors and receivers of the public revenue, which occasioned great arrears of taxes, and obliged the government to borrow money for pressing demands at a high interest. As an example of defalcation in this article, it was represented, that of the sums granted by parliament, and issued for the service of the year 1710, there remained, unaccounted for, thirty-five millions, three hundred, two thousand, one hundred and seven pounds. The expence incurred by bringing over and subsisting the palatines was stated as an extraordinary and wanton misapplication of public money, and the advisers of that measure were voted enemies to her majesty and the kingdom. And finally, the new charter imposed upon the burgh of Bewdly, without the surrender of the old one, was represented as a more unwarrantable stretch of prerogative than had been exemplified in the arbitrary reigns before the revolution. These manifold crimes were charged in the most pointed terms upon the late ministers, whose guilt was highly aggravated by their false professions of love to their country, by their irreverence to their sovereign, and their dislike to all those persons who were well affected to her and the church. Her majesty was flattered for her wisdom in discovering the pernicious tendency of such measures, and expressing her displeasure against their authors; and she was earnestly entreated to employ, in future, only such as had given evidence of their duty to her, and their affection to the kingdom.

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As our opinion with respect to the leaders of the contending parties, at this period, must depend, in a great degree, upon that which we form of this representation, we ought carefully to attend both to the nature and proofs of the charges which it contains. The practice of the whig ministers, in using the supplies for different services than those to which they had been appropriated by parliament, appeared from their journals, and must be admitted as a solid ground for alarming the public jealousy, because it established a precedent for such exercise of ministerial power, as might lead to the utter subversion of the rights of the commons, and the security of the subject.

The thirty-five millions unaccounted for was very unfairly stated as a charge against the ministers. The vouchers for the disbursement of the whole proportion of that sum, for which they were accountable, were ready for inspection, and had been delayed from the pressure of public business, and the tedious forms of the offices through which they had to pass. The criminality, annexed to bringing over the palatines, affords a shocking example of that violence and distortion of sentiment which is engendered by the com-

<sup>21</sup> State of the Five and Thirty Millions unaccounted for. Lond. 1711. The resolution of the commons was worded so as to mislead the public opinion. For there was no mention made of the date of the commencement of these accounts, which ran as far back as December 1682. The charge was vague, representing that a great part of thirty-five millions had not been accounted for, not telling what part, and leaving it to be extended to any proportion of that sum, short of the whole, the enemies of the late administration chose to make it.

Some of the deficiencies, or unsettled accounts, belonged to the reigns of Charles II. James II. and William: the only question affecting the character of the late ministers was, what part of these accounts, or the ac-

counts of several disbursements, had not been laid before the auditors. It appears from the statement of accounts given in by the commissioners, if we include, in the discharge, the accounts that lay before, or were given to the auditors, as well as those which were actually passed, the balance, unaccounted for, amounted to no more than seven millions, five hundred and fifty-seven thousand, five hundred and thirteen pounds. But when we deduce the disbursements made for necessary services, arising from the pressing occasions of war, and which could not admit of regular vouchers, the above sum will be reduced to little more than four millions, a sum far short of one year's supply; and for a great part of which, accounts were brought in after the report. State of Five and Thirty Millions, &c.

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bined influence of religious bigotry and political zeal. The conduct of the late ministry, relative to the charter of Bewdly, was directed by the advice of the most eminent judges of the law, and appears to have been founded upon the obvious dictates of common sense and justice.

Although the charges contained in this representation had been more certainly applicable to the whig ministers than appears to be the case, yet reminding her majesty of affronts and injuries they had committed against her is such an evidence of personal pique and resentful artifice, upon the part of those who framed it, as rendered the purity of their motives extremely questionable; and restrains the praise otherwise due to their diligence, for the investigation of subjects so deeply interesting to the public welfare.

While the commons were occupied about the abuses in the management of the revenue, the lords were busy with an inquiry equally interesting to the reputation of the late ministers and their friends. There was not any question which had all along divided the public opinion more than that relative to the affairs of Spain, nor was there any quarter in which the war had been carried on with greater variety of fortune. The Tories had always inveighed against administration for their neglect of the Spanish war, which was not even supported by the supplies destined for it; while the Whigs imputed all the disasters there to fatal mischances, and the misconduct of the allies. The disputes upon this subject became more passionate from the misunderstandings subsisting among the generals, successively intrusted with the principal command in

<sup>22</sup> A bill passed the commons for repealing the naturalization act, but was rejected by the lords, 5th March.

<sup>23</sup> The charter granted by James II., upon which the new corporation was erected, being found illegal, and only a single member of the ancient one surviving, her majesty granted a new charter precisely in the terms of the latter. Political State, vol. ii. p. 602.

<sup>24</sup> Notwithstanding lord Godolphin's fidelity in the management of the treasury, some instances were found of frauds and peculations which had been committed by subordinate agents. Mr. Ridge was expelled the house for having received payment for several thousand tons of beer more than he had delivered for the use of the navy; and her majesty was addressed to give directions for prosecuting him, and several other contractors for similar offences.

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Spain, who had attached themselves intimately to the parties at home. The earl of Galway was considered as dependent on the duke of Marlborough, and entirely devoted to the whig interest; the earl of Peterborough was caressed by the Tories, and had annexed the most flattering hopes of personal aggrandizement to their ascendancy. From the crisis of circumstances, the respective interests of the two contending factions were very differently affected by the connexion which they had formed with the two rival generals. The misconduct, or ill success of the earl of Galway, was stated to the crimination of his patrons in the cabinet: the Tories reaped the fruits of the popularity which attended the gallant exploits of the earl of Peterborough; while his eloquence and local knowledge rendered him a successful agent in arraigning the whig administration, and spreading unfavourable accounts of their management of the Spanish war. The contradictory representations on this subject excited an eager desire in the public for having the affairs of Spain brought under the scrutiny of parliament. The abrupt termination of a former inquiry, as we have already seen, had brought discredit upon the late ministers. From the Tories, who were not a little indebted to the popular discontents, inflamed by this and other topics, the fullest satisfaction was now expected; and the news of the defeat of the British troops at Briheuga rendered the people impatient of longer delay in a business, about which their curiosity and passions had been so long agitated<sup>25</sup>.

The earl of Peterborough, the earl of Galway, and lord Tyrwly, were all severally examined by a committee of the house of lords; and, besides verbal answers to the interrogatories proposed, subjoined written narratives of the facts which had fallen under their knowledge, and of the reasons of the several opinions which they had delivered in council while they served in Spain<sup>26</sup>. The information

<sup>25</sup> The news of this defeat was communicated to both houses by Mr. St. John on the 2d January, and the next day the lords entered

upon the business of the inquiry.

<sup>26</sup> Such of the letters from the generals as contained material information were also read.

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communicated by the earl of Peterborough, amounted to an explicit and pointed crimination of the earl of Galway, particularly for his advice in the council of war at Valencia, to prosecute offensive hostilities. The loss of the battle of Almanza, the subsequent calamities of the allies in Spain, and even the miscarriage of the expedition against Toulon, were all imputed to the fatal prevalence of his influence; and the supposed advantages of a defensive war were asserted with that assurance, which can only be justified by experience. The earl of Galway's defence rested upon a statement of facts essentially different from that of the earl of Peterborough, and contained many reasons founded on local circumstances, in vindication of his opinion<sup>27</sup>. After long and warm debates, the testimony of the earl of Peterborough was implicitly admitted, and the conduct of the earl of Galway censured by a great majority<sup>28</sup>. As it appeared from this inquiry, that the conduct of the latter had been intimately connected with that of the ministers, who had either advised or approved of all that he had done, so the resolution of the lords gave a respectable sanction to those censures which the Tories had often thrown out against public measures before they came into power.

The thanks of the house of lords were afterwards voted to the earl of Peterborough for his remarkable and eminent services, and expressed, by the lord keeper Harcourt, in a manner that obliquely reflected on the profusion of rewards conferred on the duke of Marlborough. The lords closed their proceedings on Spanish affairs, with an address to the queen, containing a recapitulation of their votes and resolutions; and insisting, emphatically, on the services of the

8th Feb.

<sup>27</sup> The opinion of the earl of Galway was supported in the council by lord Tyrwly and lord Stanhope, and approved of by the ministers at home.

<sup>28</sup> Journals Lords, passim. Thirty-six lords dissented from this resolution. The house of lords discovered their partiality for the earl of

Peterborough, by passing a vote of censure, 16th January, upon a book, intitled, Remarks on Dr. Friend's Account of the Earl of Peterborough's Conduct, because it detracted from his merits; and, on the 19th, ordered the author and publisher to be taken into custody.

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earl of Peterborough, and the misfortunes which had arisen from following the opinion and counsels of the earl of Galway<sup>29</sup>.

The repeated disappointments and calamities which had happened to the allies in Spain, together with an impression of the notorious neglect and mismanagement of the war in that quarter, and an excessive estimation of the exploits of the earl of Peterborough, all concurred to render a majority in the house of lords more subservient to the resentment of the Tories in this question, than they were in any other which came before them this session, and led them to adopt resolutions nowise justifiable by the facts and arguments upon which they were founded. The services of lord Galway, which had often been signally meritorious, ought to have protected him from the severe censures with which he was now loaded, though his errors or misconduct had been established by more impartial and satisfactory evidence than was produced upon this occasion.

28th Feb. The most important measure of a constitutional nature, brought forward in the course of this session, was a new law relative to the qualifications of the members of the house of commons, enacting that every representative for a county should possess an estate of six hundred pounds per annum, clear of all incumbrances, and that every representative for a borough should possess one amounting, at least, to half that sum, to be ascertained by the oath of candidates upon the requisition of the persons who had a right to vote at elec-

<sup>29</sup> The earl of Galway was censured by the house of lords for not having given the precedence to the English troops after the Portuguese army entered into the Spanish territory, though it was well known that the latter had made it a condition of serving under him out of their own country.

The ministers durst not make an open attack upon the duke of Marlborough, but he was often invidiously glanced at in the course of these proceedings; and this was the first

session that passed since the commencement of the war, without his having received the thanks of either house. When a motion for that purpose was introduced by the earl of Scarborough, it was warmly opposed by the duke of Argyle. When that nobleman passed through the Hague, in his way to Spain in 1711, he paid his respects to the grand pensionary and lord Townshend, but did not call for the duke of Marlborough.

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tions<sup>30</sup>. This act was extolled as an additional security to the constitution, and peculiarly favourable to the landed interest, which had sunk in proportion as the money had been raised by the war. It is unquestionably of essential importance to the constitution, that every member of the legislature should have a personal and solid interest in its preservation. But, whether the capacity of being elected a representative of the people ought to be restricted to landed property, and what the extent of that property ought to be, are questions attended with considerable speculative difficulties. We can easily suppose the extent to be raised so high, and the restrictions so multiplied, as to overset the balance of the constitution by the increase of aristocratic influence; and, independent of this effect, to deprive the nation of the services of persons, who, by their abilities and probity, are eminently qualified for promoting its true interest.

Although the new ministers enjoyed both court favour and popularity, yet their opponents were not without hopes of their sinking under the embarrassments to which they were exposed from the languishing state of public credit, and their wanting the countenance of the stockholders, and merchants, who formed an opulent and powerful class of subjects. The funds had been gradually falling since the change of administration; and several persons of great estates had sold out of them<sup>31</sup>. Notwithstanding the most diligent exertions of ministry, Mr. Gold, a Whig, was chosen governor of the Bank of England; and a majority, in the same interest, were appointed directors of the Bank, and East India Company<sup>32</sup>.

Every expedient was now employed, both privately and in parliament, to re-establish public credit: persons of property were courted

<sup>30</sup> By a calculation, founded on the regulations for raising the militia, it appeared that the number of persons capable of being elected according to this act would be twenty-three times more than the number actually elected; and that not less than one hundred and fifty of the present members of the house of commons would have been disqualified by it. Let-

ter upon the Subject of the Qualification Bill. Lond. 1711.

<sup>31</sup> The merchants in Holland, at the instigation of the ruling party, instructed their correspondents to sell their stocks, which contributed to their sudden depression.

<sup>32</sup> Political State, vol. i. p. 263.

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by the ministers to purchase stock, as a testimony of their confidence in the prosperous management of public affairs. As, from past experience, every hope of success in the war was associated with the idea of the duke of Marlborough's merit, the strongest assurances were now repeated of the queen's intention to continue him in the command of the army; and to gratify him in the appointments of the principal persons who were to serve under him<sup>33</sup>.

16th Jan.

In order to remove the apprehensions of stockholders, the commons pledged themselves, at an early day of the session, to discharge the public debts; and because the late discount upon Exchequer bills had greatly impaired public credit<sup>34</sup>, the sum of forty-five thousand pounds was granted for enabling her majesty to make a contract with the Bank, to accept and circulate those bills without any discount. Among the ways and means for raising the supplies, a lottery was adopted, and the subscriptions to it filled with a celerity which exceeded the expectations of the ministers<sup>35</sup>.

As, in private life, individuals often build the most sanguine hopes upon the promises of powerful friends, profered with apparent frankness and zeal, while yet no specific object is opened to their view; so the public credit has been sometimes successfully buoyed up by assurance of some approaching, undefined resource, known only to those who are in the secrets of government. It was now given out, that the ministers were soon to surprise the public by bringing forward new and ample means of supply; and, that the chancellor of the Exchequer had prepared an infallible project for paying the national debt. The confidence with which these topics were insisted on by the ministerial agents procured belief and acquiescence more than any argument or explanation could have done; and, together with the popularity of the measures carrying on in parliament, con-

<sup>33</sup> Political State, vol. i. p. 148.

<sup>34</sup> Exchequer bills were three per cent. less in value than the sums specified in them. History of the Four last Years, p. 177.

<sup>35</sup> One million, five hundred thousand

pounds was raised in this way. A bill passed in the house of commons for recalling king William's grants, but it was rejected by the lords.

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tributed in no small degree to restore the credit of the funds. After the public had been long amused with conjecture and expectation, Mr. Harley at length brought forward his plan, by which it was proposed to allow all the proprietors of outstanding debts an interest of six per cent. redeemable by parliament, and to incorporate them for carrying on an exclusive trade to the South Sea. Notwithstanding that the profit of this corporation was chimerical, as it was to depend upon the future disposal of the Spanish West Indies, and the will and consent of the sovereign in whom they were vested, yet immense expectations were founded upon the idea of sharing in the wealth of Mexico and Peru; and the common interest of six per cent. was reckoned, by men of sanguine hopes, as a very inferior proportion of the advantage which they were to obtain from trusting the government with their property<sup>36</sup>.

A committee of the house of commons was appointed to consider the proper means of providing places of worship in London and Westminster, proportioned to the increase of inhabitants; and, upon receiving their report, a bill was brought in, and passed both houses, 10th March, for building and endowing fifty new churches<sup>37</sup>.

The proceedings of the convocation were not interesting during this session. The lower house drew up a representation concerning the state of religion, so much in the spirit of party, and containing such unwarrantable reflections on the conduct of the late ministers,

<sup>36</sup> Memoirs of the Four Last Years, p. 114. 116, 17. The debts, which were funded by this act, consisted of the navy debts, from 1702 to Christmas 1710, and the interest due upon them to Christmas 1711; debts of the ordnance, transport service, subsidies to the elector of Hanover, and the duke of Zell. Two millions, seven hundred thousand pounds were also added, disbursed by the present ministers for the purpose of bringing the project into effect. The total sum provided for, was nine millions, four hundred and eighty-

three thousand, two hundred and ninety-three pounds, thirteen shillings and four-pence halfpenny. Besides this sum, above six millions were granted for carrying on the war, and defraying the ordinary expences of government.

<sup>37</sup> Three hundred and fifty thousand pounds were granted for this purpose, 7th May; and the duty of one shilling per chaldron upon coals was continued for raising it: that duty had been laid on first for building the church of St. Paul's, which was now finished.

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that the bishops refused to concur with it; and substituted another in a moderate strain, which the lower house rejected in their turn<sup>38</sup>. Both houses were disposed to adopt severe measures in the prosecution of the celebrated Mr. Whiston, professor of mathematics at Cambridge, who was accused of reviving the Arian doctrine<sup>39</sup>, but so many difficulties occurred with respect to the jurisdiction of the court, and the forms of procedure, that all the convocation could accomplish, was censuring some heretical propositions extracted from his book<sup>40</sup>.

Judging of the internal state of administration, from the complexion of public measures, we might naturally be inclined to think favourably of its unanimity and vigour; and that nothing but a confidence in their own stability could have carried the members of it to such extreme violence against their opponents. Notwithstanding these favourable symptoms, jealousy and disunion had already entered into the cabinet, and inspired the party displaced with the hopes of a speedy dissolution of that political combination of which it was formed. Mr. Harley, from the stream of accidents, and a concurrence with the Tories while in opposition, was apparently reconciled to them; but he still retained an attachment to Whig principles, and was secretly disgusted at the precipitancy and violence of his colleagues. He disapproved of their urging the dismissal of some persons, whose moderation and official experience might have contributed to the credit of the new administration<sup>41</sup>. There was not any

<sup>38</sup> Political State, vol. i. p. 330.

<sup>39</sup> Mr. Whiston was expelled the university of Cambridge, 30th October 1710, on account of his reviving the doctrine of Arius. Political State, vol. i. p. 358.

<sup>40</sup> Tindal, vol. ix. p. 91. Life of Whiston.

<sup>41</sup> Mr. Harley did not decline, for Mr. St. John and Sir Simon Harcourt, those high departments to which the posture of affairs soon

exalted them. He wished to restrain the impetuosity, and balance the prominent talents of the Tory leaders with the reputation of men who had long been accustomed to business; and the discovery of this, which his colleagues called *trimming*, disgusted them, and sowed those seeds of dissension which soon distracted the cabinet. Pamphlets of the Times. Swift's Letters, *passim*.

"Harley used often to complain to Lord L—

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any one of the cabinet, who had yet acquired that superiority of influence which was necessary to maintain a consistent energy in counsel, and to control the intrigues of aspiring individuals. The earl of Rochester, Mr. Harley, and Mr. St. John, were all struggling to obtain the ascendancy in the administration; and possessed peculiar recommendations for that honourable distinction. The earl of Rochester, on account of his long experience, his steady attachment to the church, and his affinity to the queen, thought himself best entitled to it. Mr. Harley valued himself upon his moderation: he had been the principal instrument of persuading her majesty to change her measures, and as he had been the acknowledged head of the party when in opposition, he expected to retain the same preference after it came into power. Mr. St. John was the leader of that division of the Tories, which wished for spirited and bold measures; and as he was too ambitious to be contented with a subordinate place, he was conscious of talents far superior to any of his rivals. The reciprocal animosity, which commenced between the earl of Rochester and Mr. Harley upon the first change of the ministry, was not concealed either from their friends or enemies. Mr. Harley and Mr. St. John were both secretly making their court to the duke of Marlborough, with a view to secure his patronage upon the probable event of a new revolution in the cabinet<sup>42</sup>. From such internal disunion, it is not likely that Mr. Harley's colleagues would have submitted to his obtaining the chief direction of affairs, had it not been for a singular occurrence, which interested the queen more deeply in his favour; and gave him an unrivalled claim to every mark of preference and honour.

The abbe de Bourlié, afterwards known by the name of the marquis de Guiscard, having been compelled to abandon his native coun-

"L— of the Tories having being cut out of "and he could not do it." Anecdotes of  
"business for twenty years, and of their unfit- Lord Oxford. Stuart Papers, 1714.  
"ness for it, and had, therefore, a mind to "Stuart Papers, 1714. Cunningham,  
"bring over a capable Whig or two; but the vol. ii. p. 347.  
"least motion of it put the Tories in a flame;

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try, on account of his criminal conduct, proffered his services to the allies, by whom they were readily accepted. He was employed in several expeditions on the French coasts, in which his success did not answer the expectations raised by his enterprising spirit and vaunting pretensions. He had, however, in acknowledgment of his zeal, obtained a small pension from the States, and the pay of a colonel in a regiment of foreign refugees sent into Spain by the court of England. From the arrogance of his manners, he lost the favour of the commanders who first patronised him. The regiment in which he held his commission being cut off at the battle of Almanza, and a suspicion arising of his perfidy in maintaining a correspondence with France, his pay was withdrawn, and he was also deprived of his Dutch pension. He lived in London in the most deplorable state of poverty and despair, till the change of the ministry renewed his hopes of being taken into favour by the court. In the days of his prosperity he had been introduced to Mr. St. John, and, from a congenial disposition, had been made the companion of his pleasures; he afterwards acquired a sort of political merit by calumniating the whig ministers. Nor were these grounds of his pretensions overlooked. Mr. St. John procured a promise from the queen in his behalf, for a pension of five hundred pounds per annum, which, when it came to be claimed, Mr. Harley restricted to four hundred. Indignant at this affront, and exasperated against the queen and Mr. St. John for yielding to Mr. Harley, the marquis formed the desperate resolution of making his peace with the French court by conveying intelligence of what passed in England. Lord Portmore having discovered his treachery, sent information of it to the ministry, who finding it corroborated by other proofs, issued a warrant for apprehending Guiscard<sup>43</sup>. During his examination at the Cockpit, he

<sup>43</sup> Political State, vol. i. p. 191. To avoid suspicion, Guiscard had sent his letters to Portugal, under lord Portmore's cover, to a person who conveyed them from Lisbon to

Paris. His lordship, from some suspicious circumstances, opened one of the packets, and discovered the treachery.

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expressed an earnest desire to speak privately with Mr. St. John, and this being refused, he stepped forward to the council table, and struck Mr. Harley twice upon the breast with a pen-knife. Mr. St. John, seeing Mr. Harley fall, drew his sword, and made several thrusts at Guiscard, who, bleeding with his wounds, was carried to Newgate, where he died in a few days<sup>44</sup>.

This accident, which had nearly proved fatal to Mr. Harley, blasted the hopes of his ministerial rivals; fixed his precedency in the cabinet; and gave firmness to an administration which had been tottering from inherent jealousies and disunion.

Both houses presented a joint address to the queen, ascribing the attempt upon Mr. Harley's life to his extraordinary fidelity in her service. During his confinement from indisposition, he was flattered with anxious inquiries about his health by the sovereign, and persons of the first distinction. An act immediately passed upon the suggestion of the queen, making it felony to attempt the life of a privy counsellor in the execution of his office<sup>45</sup>. The house of commons resolved unanimously to congratulate Mr. Harley upon his recovery, which was done by the speaker in the highest terms of compliment.

13th.

11th, 17th.  
April.

While Mr. Harley's danger and escape interested the attention of the public, his scheme for discharging the national debt was introduced with peculiar advantage; and, being received with implicit approbation, superseded that investigation which might have led to a detection of its fallacy, and a foresight of the disappointments with which it was pregnant. It was extolled as an effort of genius and patriotism surpassing all his former merits; and, in testimony of her majesty's high approbation of his services, he was honoured with a peerage, and appointed lord high treasurer.

2d May.

24th.

<sup>44</sup> Political State, vol. i. p. 210.

<sup>45</sup> A proclamation was published, 17th March, to put in execution the laws against the Roman catholics. It had been the scan-

dalous practice of every successive administration, since the commencement of the reign of queen Elizabeth, to impute every public evil to the Roman catholics.

On the 12th of June her majesty came to the house of peers, and expressed her great satisfaction with the proceedings of this session, after which the lord keeper prorogued the parliament<sup>46</sup>.

<sup>46</sup> Besides the acts already mentioned, the principal ones of a public nature were, an act for establishing a general post-office, and an act for better preventing excessive and deceitful gaming. Her majesty had announced to both houses, 20th April, the news of the emperor's death, and her purpose to use her endeavours, in conjunction with the States, to get the king of Spain made emperor, for which she received their thanks.

Several changes and promotions took place during this session. The duke of Marlborough made a resignation of all the duchess's places at court, 19th January 1711. She was succeeded as groom of the stole, and keeper of the robes, by the duchess of Somerset; and by Mrs. Masham as keeper of the privy purse. The duke of Argyle was appointed ambassador extraordinary, and commander in chief in Spain; January. The earl of Peterborough was sent to Vienna after the rise of the session, to endeavour to accommodate the disputes between that court and the duke of Savoy, and to attend at the election of the new emperor. Not-

withstanding his services to the present ministers, and their zeal for his honour, yet it appears from his letters, when abroad, that he had not been taken into their secret with respect to the peace, the negotiations for which were now begun. He expresses the utmost astonishment, upon hearing the report abroad concerning the intentions of ministry to give up the Spanish monarchy to the house of Bourbon; he at length grew suspicious of the ministers employing him at a distance; and wrote to them with some degree of chagrine, expressing his desire to be recalled. MSS. Letters of Lord Peterborough.

In February a few alterations were made in the commissions of the peace; and the most zealous Whigs turned out. Before the rise of the session, the earl of Winchelsea was put at the head of the board for trade and plantations in the room of the earl of Stamford. Mr. Serjeant Bannister was appointed first judge in Upper South Wales, in place of Serjeant Whitaker; and some alterations were made among the inferior judges.

*View of Foreign Affairs affecting the Confederacy.—Disturbances among the Northern States—occasion the Allies entering into a Treaty for preserving the Neutrality of the Empire.—Treacherous Conduct of the Imperial Court with respect to the Duke of Savoy, &c.—Death of the Emperor Joseph.—Campaign 1711.—Motions of the Confederate Army under the Duke of Marlborough.—Advantages obtained by the French at the Beginning of the Campaign.—Stratagem of the Duke of Marlborough for entering the French Lines at Arleux—His Success.—Campaign on the Rhine—In Italy—Spain—Portugal.—Naval Affairs.*

THE advantages which the allies derived from new conquests, in the campaign 1710, were more than counterbalanced by the effects of coincident events in those neighbouring states which had hitherto remained neutral. The fatal reverse of fortune, experienced by the king of Sweden after the battle of Pultowa, soon became productive of dangers not less formidable to the confederate powers than those which had been impending during the period of his prosperity. The czar, the elector of Saxony, and the king of Denmark, conspired to take advantage of the depressed condition of their adversary. The first conquered Livonia; Augustus recovered the throne of Poland; and the king of Denmark made a descent upon Schonen, and renewed his pretensions to the duchies of Holstein and Bremen'. The Swedish general Craffau, at the head of a numerous and well disciplined army, had retired into Swedish Pomerania; and threatened to make an irruption into Saxony. The count Steenbock, who commanded another division of the Swedes, having obtained a victory over the Danes at Gadesbush, was making depredations in the district of Holstein Gotorp. To prevent the exten-

<sup>4</sup> History of Europe, 1709, p. 264. 345. Id. 1710. p. 13. 436. 596.

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sion of the northern war into Germany, the emperor, the queen of England, the United States, and some of the German princes, entered into a treaty for maintaining a neutrality in those provinces, belonging to Denmark, Sweden, and king Augustus, which lay within the boundaries of the empire; and for this end each of the contracting powers became bound to furnish a certain contingent of troops for serving in the northern frontiers, upon the event of actual danger.

The czar, king Augustus, and the regency of Sweden, explicitly approved of this measure; and the king of Denmark did so with a few reservations. When king Charles heard of it, he expressed the utmost displeasure at the conduct of the allied powers; and instructed his ambassador at Vienna to enter a solemn protestation, condemning the treaty, and threatening vengeance against the parties concerned in it, as well as his former declared enemies. He had already been instrumental in persuading the sultan to declare war against the czar, and disposed as he was for the most desperate undertakings, his threats were not to be regarded as impotent and despicable; nor did the apprehension of the allies arise merely from the connexion which he had formed with the sultan. The French king, disappointed in the issue of his late negotiations for peace, was moving every engine to improve the commotions in the north to his own advantage, by disuniting the members of the confederacy, and raising new enemies to oppose it. While one of his ministers at the Porte was intriguing with the grand seignior against the emperor, another in Muscovy was labouring to conciliate the czar by tendering his master's services to make a peace between him and the Turks.

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<sup>2</sup> Lettres Historiques, tom. xxxvii. p. 462. 510. Barré, tom. x. p. 582. The troops of the neutrality were to assemble on the banks of the Oder. The parties engaged were not to interfere in the northern war unless it extended to Germany.

<sup>3</sup> Manifesto of Charles, 28th January 1711.

Letter of Lord Townshend to Mr. Boyle, October 1711. MSS. After his defeat at Pultowa, Charles had fled to the sultan, and was now living at Bender under his protection.

<sup>4</sup> Letters from Lord Townshend to Mr. St. John, November and December. MSS. From the whole correspondence between the

English

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The czar and the French king were both tampering with the king of Prussia, and making him tempting offers to abandon the grand alliance, and to take an active part in the northern war. The allies were at the same time endeavouring to counterwork the intrigues of the French king, and prevent a coalition between him and the czar, by renewing the strongest assurances of their attachment to the latter, and of their readiness to mediate in his behalf with the sultan, whose armies were making incursions into the eastern frontier of the Russian empire.

While the effects of these negotiations were yet depending and uncertain, the Polish, Muscovite, and Imperial ministers, applied to the contracting powers for their stipulated quotas to preserve the neutrality of the empire. They enforced their applications by arguments, calculated to spread the alarming apprehensions with which they themselves were agitated. While general Craffau was hovering on the borders of Poland, it would be impossible for them to oppose the king of Sweden, with a sufficient force, on the side of Turkey, who, if he were successful, would not only be enabled to effect a revolution in Poland, but to kindle a war in the heart of the German empire.

The court of England and the States were now convinced, that they had been too precipitate in acceding to the treaty of neutrality, which was likely to be attended with such consequences as would oblige them to carry on an offensive war in a new quarter, and

English ministers and the ambassadors at the Hague, it appears that they were greatly alarmed by the northern disturbances.

"The affairs of the north, next to those of Spain, demand, and take up, the greatest share of our attention. The queen's greatest apprehensions arose from the corps of Swedish troops in Pomerania. An inundation of Turks and Tartars into Poland and Muscovy, might indeed affect the common cause in some degree; but the least motion of that army, which Craffau commands,

"would wound us in a vital part, create an immediate division in favour of France, and confound the whole system of the war." Letter from Mr. St. John to lord Townshend, 29th December, 1710. MSS.

<sup>5</sup> Letter from Mr. St. John to Lord Townshend, 31st October 1710. Letter from M. d'Elorme to Mr. St. John, October 1710. Letter from the Ambassadors to Mr. St. John, 2d January 1711. Letter from Lord Townshend to Mr. St. John, 3d Feb. 1711. MSS.

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detract



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detract from the force opposed to the French king<sup>6</sup>. It was difficult to evade their engagements, and it was no less so to find the means of fulfilling them. The ministers, who had lately come into power in England, having uniformly accused their predecessors of wantonness and facility in forming continental alliances, now availed themselves of every pretext to avoid altogether, or at least to delay compliance with the requisitions of the rest of the contracting powers; and contended, that the treaty was not coercive or obligatory, till the German provinces were actually in a state of invasion. Afraid, however, of offending the Russian and Imperial courts, and having information that the French were concerting measures to act in conjunction with the Swedes in Pomerania, the maritime powers began to think seriously of providing their contingents, agreeably to the terms of the treaty<sup>7</sup>. But here new difficulties arose which occasioned great embarrassment to the English cabinet. As none of the native troops of Britain could be spared, it was proposed to transfer the Saxons in her pay to serve in the neutral army; but though Augustus would have been pleased with this measure, yet, from the personal attachment of these troops to him, it would have put the neutrality too much in his power, and perhaps have counteracted the very purpose of its formation<sup>8</sup>. The king of Prussia was solicitous to have his son, the prince royal, appointed to the supreme command of the

<sup>6</sup> Letter from Lord Townshend to Mr. St. John, 31st October 1710. Letter from Mr. St. John to Lord Townshend, 29th December 1710. MSS.

"As to the affairs of the north, I cannot help thinking, that the Poles and Muscovites might well look upon us as their dupes, if we should enter into the expence of the guarantee when the reason of it does not take place." Letter from Mr. St. John to Lord Townshend, 24th October 1710.

"If the king of Poland should recall his troops from Flanders, as some positive advices at the Hague say he is resolved to do, the queen and the lords of the council

"are of opinion, that this will be the best expedient for freeing ourselves from the engagements we lie under on account of the neutrality, and getting out of the many difficulties which perplex that matter." Letter from Mr. St. John to Lord Townshend, 23d January 1711. MSS.

<sup>7</sup> Letter from Mr. St. John to Lord Townshend, 24th, 31st October, 1710; 13th February 1711. Letters from the Ambassadors to Mr. St. John, 16th December 1710; 20th January, 10th March, 1711. MSS.

<sup>8</sup> Id. Letters from Lord Townshend to Mr. St. John, 30th January; 13th, 27th February 1711. MSS.

neutral

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neutral army, which was opposed by the other northern powers from a well founded jealousy of his selfishness and ambition. The court of England, whatever part it chose to take in this contest, must unavoidably have incurred the displeasure and reproach of some of the allies. From all these causes, the commotions in the north of Europe contributed in no small degree to impair the collective power of the confederacy, and in proportion to raise the hopes of the French king<sup>9</sup>.

Independent of external causes unfavourable to the confederacy, the jealousies and discords, which had long subsisted among its members, were now grown to such excess as rendered it incapable of uniform and persevering exertions. While England honourably fulfilled, and even went beyond, her engagements, all the rest of the confederates fell short of theirs<sup>10</sup>. Hence their efforts in the common cause were not only cramped and enervated by a deficiency in money and troops, but their affection and confidence were alienated from each other by the breach of those contracts, into which they had entered as individuals, and which had been a principal allure-ment with some of them for taking a part in the war. The conduct of the emperor to the duke of Savoy exhibited every form and aggravation of perfidy. Some of his engagements he endeavoured to elude by refined and sophistical interpretations of the terms in which they were expressed, and he delayed the execution of others upon the most frivolous pretences. In resentment of this ingratitude, the duke grew remiss in his later exertions, and had he not been softened by the attention of the queen of England, and the hopes of her obtaining justice for him, there can be little doubt but that he would openly have abandoned the confederacy<sup>11</sup>. By refusing the

<sup>9</sup> In the course of the ensuing campaign, the Russian army was completely defeated at Pruth, 18th July; and peace restored between the sultan and the czar. *Histoire de Louis, tom. vi. p. 553.* King Augustus recalled the Saxon troops, which weakened the confederate army; and, from these circumstances, the neutrality was never carried into execution. *Life of Charles XII. p. 194.*

<sup>10</sup> Letters of Mr. Boyle, Lord Townshend, and Mr. St. John, 1709, 10, passim. MSS.

<sup>11</sup> *Appendix, N° XXX.*

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elector

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elector palatine the investiture of the upper palatinate, which had been unjustly transferred to the duke of Bavaria, the emperor provoked the former to detain his troops from the assistance of the allies<sup>12</sup>.

His Imperial majesty brought disgrace upon the alliance by violating faith with neutral powers, as well as with those who had acceded to it. The Venetians, the Grisons, and other petty states in Italy, not only complained of his former usurpations, but of his retracting those recent concessions which had induced them to furnish the armies, opposed to France, with important accommodation during the war<sup>13</sup>.

The Dutch pleaded the notorious defalcations and faithlessness of the emperor, as an apology for their own deficiencies in troops, which they had engaged to furnish for carrying on the war on their own frontier; and they fell in arrears to the king of Portugal for the sustenance money of his troops, which they were bound to pay jointly with the queen of England<sup>14</sup>.

The king of Prussia, absorbed entirely in his own interest, availed himself of every emergency to raise the price of his services<sup>15</sup>. He took umbrage at the states, because they declined interfering with the provincial courts of justice in cases where his property was at stake, and threatened to disband his army, if all his demands were not complied with. These contentions and disputes were a peculiar source of anxiety and trouble to the queen and her ministers. While she was remonstrating with all her allies, one by one, for failing in their engagements to the common cause, they, each in his turn, brought complaints against the others; and, as if she had been surety for every delinquent, demanded her interposition for enforcing the redress of their wrongs. The whig ministers having always stood forth as advocates for the allies when censured by the Tories, and having exercised a dictatorial authority over the deputies of the

<sup>12</sup> Succession of Spain considered, p. 28. Lond. 1711.

<sup>13</sup> Appendix, N° XXX. Paragraph sixth.

<sup>14</sup> Letter from the Ambassadors to Mr. St. John, 26th December 1710. MSS.

<sup>15</sup> Appendix, N° XXX. Paragraph tenth. States

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States during the recent negotiation for peace, were more anxious than ever to conceal, from the people of England, the selfishness and injustice of their continental friends. They indeed instructed the plenipotentiaries at the Hague to urge the emperor and the States to perform their engagements; but they still maintained the language of politeness and respect in all their intercourse with them. The new ministers began their correspondence with the allies in the same courtly strain. They expressed their earnest wish for the vigorous prosecution of the war in the ensuing campaign, and particularly for the recovery of the Spanish monarchy; they promised uncommon exertions on the part of England, and expostulated with the emperor and the Dutch, in respectful terms, upon the justice and necessity of making good their several engagements as the condition on which these exertions were to be expected<sup>16</sup>. But finding them still uncomplying and evasive, and each of them pleading one another's breach of faith as an excuse for his own, the ministers assumed a more manly and decisive tone. They declared explicitly that England would no longer submit to be the dupe of the allies; that she would not go one step beyond the letter of her engagements in carrying on the war, nor so far, unless her partners amended their conduct by performing theirs better than they had done in time past<sup>17</sup>. Thus, it appears, that, at the opening of the campaign, the confidence of England was entirely withdrawn from the allies; that it was impossible for them to act together with unanimity and vigour; and this was a principal cause of the forwardness with which the English ministers were now entering into the negotiations for peace.

<sup>16</sup> Appendix, N° XXX.

<sup>17</sup> Besides the causes of weakening the grand alliance above mentioned, its force was greatly diminished by the desertion which took place in the last years of the war. Not less than ten, some say twenty thousand, of the troops in the pay of Britain and the allies, de-

ferted during the campaign 1710. Reasons for putting a speedy End to the War, p. 7. 13. Lond. 1711. Post-boy, 20th September 1711. It was computed that, by desertion and death, the allies lost forty-five thousand men in the year 1710. Id.

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\* 6th April.

The death of the emperor Joseph\*, and the approaching succession of his brother, essentially changed the nature of the war; and annihilated the very object for the attainment of which the grand alliance had been formed. Such an immense mass of power, as must have accumulated from the union of the empire and Spain, was not less formidable to the independence of Europe than the extension of the dominion of France. It was vain to expect that motives of justice would avail to bridle an ambition, which could so easily surmount every barrier to gratification. Were such an event to take place, the future independence of Europe could be maintained only by an entire inversion of the scheme of the confederacy, and by restoring that power to whose destruction it had hitherto been directed. Although, from the danger of suddenly dissolving the present confederacy and the difficulty of substituting a new one in its place, it appeared expedient to all the parties concerned still to preserve its form and name, yet the conviction, with which all of them were impressed, of its original principle and utility being at an end, immediately occasioned a relaxation in its principle and debility of its active force. Aware of these circumstances, the French king now made the most strenuous exertions, and brought more men into the field in 1711, than he had done in any campaign since the commencement of the war<sup>18</sup>.

The genius and talents of the duke of Marlborough still rendered the scene of war busy and interesting wherever he presided; and all the disadvantages under which he laboured from the revolutions of domestic and foreign politics, instead of obscuring or interrupting his glory, only served to heighten its lustre, and to ascertain his transcendant and appropriate merit.

<sup>18</sup> Memoirs of the Four last Years, &c. p. 115. The French king made the shew of preparations for opposing the election of king Charles to the Imperial crown; but, it is be-

lieved that he secretly wished for that event, knowing that the confederates would be less warm on the article of the Spanish Monarchy. Felonious Treaty, p. 18. Lond. 1711.

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On the 30th of April, the Dutch, English, and auxiliary troops were collected under the duke of Marlborough at Orchies, and, after passing the Scarpe, were posted along the road from Douay to Valenciennes<sup>19</sup>. As prince Eugene had withdrawn from the grand army with the Germans to the Upper Rhine, the duke found himself unable, for some time, to attempt any offensive enterprise against Villars, who had encamped with a superior force behind the Senfet. Several skirmishes happened in which the French had the advantage, and some convoys belonging to the allies were intercepted<sup>20</sup>. On the 14th June, the duke, having crossed the canal at Arleux, and repassed the Scarpe near Vitry, encamped on the plains of Lens with expectation of bringing the enemy to a pitched battle. Not being able to accomplish this, he formed the resolution of attacking their lines, which being covered by Arleux, upon the side of a morass, it became necessary to dislodge their garrison from thence. This was carried into execution on the 6th July by a detachment from the garrison of Douay, which, notwithstanding the fire of the enemy, passed a deep ditch, and made prisoners of the garrison; but before the works were put in a sufficient state of defence, Arleux was again retaken by the French<sup>21</sup>. The superiority of Marlborough's genius, roused upon this occasion by a sense of affront, rendered the triumph of his enemies illusive and transient. He advanced with a great body of the army to Villars Brulin, within two leagues of their lines, and made such preparations for attacking them there, as impressed his own troops as well as the French with the persuasion of his being in earnest. Villars called in all his troops which were in the neighbouring posts, and made the most proper dispositions for repelling the expected attack<sup>22</sup>. In the mean while, the

<sup>19</sup> Lediard, vol. ii. p. 304.

<sup>20</sup> Quincy, tom. vi. p. 503.

<sup>21</sup> History of Europe, 1711, p. 321. Lediard, vol. ii. p. 308. The retaking of Arleux was considered as one of the greatest misfortunes that had attended the duke in the

course of the war; and, when he heard of it, he was greatly chagrined, and said he would be revenged upon Villars. Kane, p. 90.

<sup>22</sup> Quincy, tom. vi. p. 514. These lines extended from the source of the Canche to that of the Scarpe, covered all the country from the sea

CHAP. XVIII. 1711. the duke of Marlborough sent private instructions to general Cadogan, to draw together all the forces stationed in the vicinity of Douay, Lille, and St. Amand, to move towards Arleux, and endeavour to pass the Senfet, while he himself should advance with the main army towards the same point. The confederates under the duke, being still ignorant of his intention, received orders to strike their tents on the approach of night; and to hold themselves in readiness to march, each column as directed by the officer who commanded it. At nine in the evening, the whole army began to move without beat of drum, and, pushing forward with uncommon expedition, passed the Scarpe, and joined the detachments in the neighbourhood of Arleux within the space of ten hours. The passages on the Senfet and the Schelde were already occupied by general Cadogan, the French having withdrawn from them without the least suspicion of the allies coming there. Villars, not knowing that the confederates had marched till six hours after their departure, made all the haste he could to prevent them from getting within his lines; but he did not come in fight till they had passed the defile of Marquion, where finding them drawn up and prepared to receive him, he immediately retreated behind the adjacent morafs<sup>21</sup>.

The secrecy of this enterprise, the celerity with which it was conducted, its final success without the loss of a man, and the great renown of Villars, who was completely out-generalled, afforded the

sea to the Maese; and were deemed an impregnable barrier against the allies penetrating into the interior of France. Quincy, tom. vi. p. 490. Military History of Marlborough, p. 500.

"The duke rode as near the enemies lines as their cannon would permit; he often stopped, and shewed the general officers how he would have the army drawn up next morning; and pointed with his cane to the places where the attack should be made." Kane, p. 92, 3.

<sup>21</sup> Lediard, vol. ii. p. 315. Kane, p. 92. Appendix, N° XXXI. Quincy imputes Marl-

borough's success to the orders which Villars had received from the French court, which restrained him from engaging the allies. Quincy, tom. vi. p. 516, 614. The capture of Bouchain sufficiently evinced the importance of the duke's success on this occasion; and, it is incredible, that Villars, even though he had been restrained from aggression, should not at least have done all in his power to defend himself; and, therefore, his permitting Marlborough to remain within the French lines can be attributed to no other cause than his inability to prevent it.

friends

CHAP. XVIII. 1711. friends of the duke of Marlborough solid ground for boasting of it as a signal proof of his military genius, and, as it was his last, for placing it among his most brilliant exploits<sup>22</sup>. Nor was his prudence, after this action, less conspicuous than his merit in contriving and conducting it. The whole army, in a transport of joy for success so sudden and important, were impatient to be led into the field to consummate their glory by more active and intrepid exertions. The Dutch deputies, who were wont to represent the heroic ardour of the duke when it stimulated him to enterprises of more easy attainment, yielded, upon this occasion, to that temerity which is naturally inspired by good fortune, and urged him to give battle to the French army. But he knew when to fight, and when to abstain from it. Never was there a general, who compared circumstances, and computed chances, with greater discernment and precision. Acquainted with the human frame, he could not be ignorant, that its faculties are over-rated, and its expectations deceitfully exalted, by recent sensations of joy. His men were not themselves sensible how much their strength was exhausted by the fatigues they had already endured. The cavalry had only dismounted twice for a short interval during the space of forty-eight hours. The French were comparatively fresh, having marched within their lines, while the allies had advanced by a circuitous route to the ground on which they met<sup>23</sup>.

The duke now determined to undertake the siege of Bouchain, important for its situation at the confluence of the Senfet and the Schelde. It was invested on the 10th of August, but by the vigorous efforts made by Villars in keeping up a communication with the town, it did not surrender till the 13th of September<sup>24</sup>.

<sup>22</sup> Lediard, vol. ii. p. 317. Spectator, N° 139. The duke himself had the same opinion of this exploit. See his Letters to the Elector of Hanover. Hanoverian Papers, 1711. <sup>23</sup> Military History of the Duke of Marlborough, p. 533. Biographia Britannica, p. 556. <sup>24</sup> Lediard, vol. ii. p. 328. Appendix, N° XXXI.

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27th Oct.

The severity of the season, and the scarcity of provisions, obliged the grand armies prematurely to close this campaign, which terminated the illustrious career of the British general.

The French had greatly augmented their force upon the Rhine, expecting that the vacancy of the Imperial throne would furnish them with a favourable opportunity for invading Germany, and disturbing the approaching election. The good conduct of prince Eugene, who now headed the German army, reinforced by all the Imperial and Palatine troops in Flanders, and the unanimity of the electors in making choice of Charles to the Imperial succession, frustrated their designs, and left them nothing to boast of, except the temporary and inconsiderable advantage of subsisting some detachments at the expence of the Germans<sup>27</sup>.

July. Much had been expected this campaign from the duke of Savoy, who, being gratified in most of his demands by the emperor, resumed the command of the Italian army. He passed into Savoy, defeated the French army at Conflans; and pursued his march with the design of penetrating into Dauphiny and the Lionnois; but, being opposed by the duke of Berwick, who knew well how to take his ground, the Italians got no farther than Marches, and retreated without having performed any thing worthy of record<sup>28</sup>.

9th Sept.

As the Tories, now in power, had often complained of the late ministry for neglecting affairs in Spain, it was expected that the most vigorous exertions would be made in that quarter. A large supply was provided for the Spanish service; and the duke of Argyle was appointed to the command of the British troops, with the promise of considerable reinforcements: but, when he arrived at Barcelona, he found the troops in such a wretched condition, as rendered them unfit for the field; nor was he supplied with money necessary for equipping and sustaining them<sup>29</sup>. This negligence, so unexpected and

<sup>27</sup> Barré, tom. x. p. 596.

vol. ii. p. 119.

<sup>28</sup> Quincy, tom. vi. p. 562. Berwick, <sup>29</sup> The duke of Argyle was obliged to raise moneyCHAP.  
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and notorious, afforded the Whigs a fair opportunity of retorting upon their successors with the very weapons which had been pointed against themselves. It ought, however, to be considered, that the death of the emperor, which happened after the supplies were voted for Spain, put a new face upon the politics of Europe, and rendered it at least doubtful, how far it would have been proper to continue the struggle for throwing additional power into the hands of his brother.

The exhausted state of Arragon, Valencia and Catalonia, which had been the principal theatre of the war during the preceding campaigns, as well as the diminution of the French and Spanish armies, by a succession of bloody battles, rendered them unable to take the field till the season was too far advanced to accomplish any enterprize of moment.

The principal action in Spain, during this campaign, happened at the important pass of Prato del Rey, which was attacked by the duke of Vendosme; but so bravely defended by the duke of Argyle and marshal Staremberg, that the French and Spanish army was forced to retreat with great loss. The castles of Arens and Venasque, and the town of Cardona, were the only acquisitions made by the arms of Philip<sup>30</sup>.

18th Sept.

In Portugal, the advantages gained by the French amounted to nothing more than making some incursions into the frontier, and taking a few inconsiderable towns<sup>31</sup>.

A French fleet entered the bay of Rio de Janeiro in Brasil, where they burnt the Portuguese ships of war in that station. They afterwards made themselves masters of St. Sebastian, which they retained September.

money on his plate and personal credit for defraying a part of the charges of the army. Life of Argyle, p. 69.

the enemy upon Venasque, Arrons, and Cardona to have failed. See Tindal, vol. ix. p. 115. After reducing the city of Cardona, the castle was besieged, but relieved by general Staremberg, 22d November.

<sup>30</sup> Journal of the Campaign in Spain, 1711.

MSS. Quincy, tom. vi. p. 582. Some historians inaccurately represent the attempts of

<sup>31</sup> Annals of Anne, 1711.

CHAP. XVIII. for two months, and carried off six hundred and ten thousand crusadoes (67,625*l.*), besides a great quantity of sugar and rich plunder<sup>22</sup>.

1711.

A squadron of eleven line of battle ships, besides frigates and transports, with several regiments on board, were fitted out at great expence, and sent to annoy the French plantations in North America, and to attempt getting possession of the forts in Canada; an expedition which was represented as more immediately conducive to the interest of England than any that had been undertaken in the course of the war. From the lateness of the season, the shortness of provisions, and the bulk of the vessels, which rendered them unfit for entering the rivers, this expedition not only failed, but eight of the transports were cast away in the river St. Laurence, and most of the men on board perished<sup>23</sup>.

<sup>22</sup> Quincy, tom. vi. p. 603.

<sup>23</sup> Lives of the Admirals, vol. iii. p. 270. Political State, vol. ii. p. 567.

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*Steps towards Peace.—Preliminaries signed by Lord Dartmouth and Mr. St. John.—Disapproved of by the Allies.—The United States consent to the opening a Treaty at Utrecht.—Measures of Administration.—State of Parties.—Session of Parliament.—Queen's Speech, &c.—Duke of Hamilton's Claim to sit as a British Peer, rejected.—Act for better preserving the Church of England.—Address of the Lords relative to the Allies.—Twelve new Peers created.—Mr. Walpole expelled the House of Commons.—Votes against the Duke of Marlborough.—Representation of the Commons on the Conduct of the Allies.—Address of the Lords against the Terms of Peace proposed by the French Plenipotentiaries.—Prince Eugene comes to England and urges the Continuance of the War.—State of Religion in Scotland.—Affair of Mr. Greenshield's.—Act for preventing the Disturbance of Persons worshipping according to the English Liturgy.—For restoring the Right of Patronage.—For settling the Precedency of the Princess Sophia.—Bills proposed.—Supplies.—The Queen communicates to both Houses the Progress of the Treaty.—Proceedings of the Convocation.—Campaign 1712.—Mysterious Conduct of the Duke of Ormond.—Suspension of Hostilities between France and England.—The Duke of Ormond marches to Dunkirk.—Quefnoy taken by Prince Eugene.—Victory of Villars at Denain.—Consequent Success of the French.—Campaign in Spain—Portugal—Italy—on the Rhine.*

BEFORE I return to domestic affairs, it will be necessary to give an account of the steps towards peace, which coincided with the transactions already mentioned, and materially affected the interest of parties, and the state of public measures, during the ensuing session of parliament. There is no department of history of more difficult investigation than that which relates to negotiations, and treaties. Being secret and concealed at their commencement, they become still more intricate and mysterious from the studied finessè with which they are carried on. The few, who are made privy to them, are often but partially informed; and, from a fondness

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ness to raise their own consequence, substitute conjectures in the place of facts. Many interesting circumstances, relative to the treaty of Utrecht, are so differently represented by the very persons who had a share in conducting it, that we are utterly at a loss to reconcile their accounts, otherwise, than upon the supposition of their having been kept ignorant of the instructions given to their fellow agents, and perhaps of their very names; and severally charged with departments, which made them acquainted with different, though not inconsistent or irreconcilable circumstances. The illustration of this will arise from the narrative upon which I now enter.

As the exhausted condition of France rendered the king still desirous of peace, so he considered the change of the ministry in England as propitious to the renewal of negotiations for that end<sup>1</sup>. After the proposals which had already been rejected by the States at Gertrudenberg, with the concurrence of the whig ministers, every hope of accommodation was excluded while the latter remained in power; whereas the inclinations of those, who were now at the helm, were favourable to peace; and the stability of their influence depended upon its speedy accomplishment.

In the month of January, the abbé Gualtier, who had been for some time carrying on a correspondence with the French ministers, was sent to Paris by lord Jersey, with a verbal message, expressing the pacific disposition of the English cabinet; but intimating, at the same time, their fixed purpose not to enter upon any treaty without the knowledge and participation of their allies<sup>2</sup>. The mortifications

<sup>1</sup> Mefnager's Negotiations, p. 62. 77. Lond. 1709. Some of the whig historians assert that Mr. Harley and Mr. St. John had carried on a secret correspondence with the French court about peace since the year 1707; and that the queen approved of it. Oldmixon, vol. ii. p. 475. I have not found sufficient evidence for this assertion.

<sup>2</sup> The abbé Gualtier, chaplain to the count Gallas, became acquainted with the countess of Jersey, who usually attended the Imperial chapel, and she recommended him to her husband as a fit person to be employed in carrying messages to France. Berwick, vol. ii. p. 114.

Mefnager says, that the first offers of peace were

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cations which the French king had experienced from the conferences in 1709 and 1710, made him desirous to set the negotiations on foot, without acknowledging the States; but as this was a point in which both the honour and popularity of the English ministers were involved, he, at length, upon their urgent entreaties, consented to draw up a memorial, containing the fundamental propositions upon which he was willing to treat, to be communicated through their intervention to the rest of the allies<sup>3</sup>. As the English ministers began this business with every proper testimony of respect for their allies, so the latter were not wanting in professions of gratitude to them, while at the same time they expressed their dissatisfaction with the French memorial, as too general, and calculated to sow the seeds of jealousy among the parties concerned<sup>4</sup>. Although the negotiation began smoothly, it is certain, that no true confidence now subsisted between the allies and the court of England. The former had entered the lists against the Tories, upon the first surmise of a change in the English cabinet, and were afraid of their resentment now, when seated in power. The queen was exasperated at the States, on account of their impertinent interference in her domestic arrangements: her plenipotentiaries, agreeably to their instructions, had now begun to remonstrate sharply with all her allies on account of their dilatoriness and deficiencies in furnishing the stipulated supplies for carrying on the war: in the discussion of the questions relative to abuses in the management of the revenue during the last session of parliament, the ministerial partisans had often animadverted on the conduct of the confederate powers, and particularly that of the United States. Their selfishness, their impositions upon the good

were concerted between him and the marshal Tallard, p. 116. Whereas de Torcy says that the abbé Gualtier was the first that broke the ice; Torcy, vol. ii. p. 179; but Torcy probably did not know of Mefnager's mission to England.

<sup>3</sup> Torcy, vol. ii. p. 120. Prior's History, p. 338.

<sup>4</sup> Tindal, vol. ix. p. 139. Mr. St. John, in his letter to lord Raby, 27th April 1711, says, that the terms of the propositions are very general; and that there is an air of complaisance to England, and the contrary to Holland, which might be of ill consequence, but can be of none as long as the queen and States understand each other.

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After the recess of parliament, the same topics were industriously circulated in conversation, and published, under the patronage of ministry, in forms of composition adapted to persons of every taste and station. The States, on the other side, were notoriously hostile to the ministers, and did every thing in their power to support the credit of the opposite party; and while they objected to the propositions transmitted from the court of England, they were practising secret artifices to engage the confidence of the French court, and to place themselves at the head of the approaching negotiations<sup>1</sup>.

While the treaty appeared to be at a stand from the backwardness of the Dutch, it was advancing apace, by means of secret conferences carried on between the private agents of England and France. Monsieur Mesnager, who had come privately over, and continued for some time *incognito* in England, found opportunity, by the assistance of marshal Tallard, to converse with some of the persons who were in ministerial confidence. From throwing out hints apparently loose and unpremeditated, with respect to the means of restoring peace between England and France, he led them to such familiar communications, as enabled him to penetrate into the views and expectations of the court. Mesnager then opened himself more freely to those with whom he had conversed in a private character, and producing satisfactory evidence of his being intrusted with the counsels of the French king, he was introduced personally to the ministers. The business from that time assumed a serious form; expedients were discussed for removing the principal difficulties which obstructed an open negotiation; several of the most important articles, relative to the interest of England and her allies, were specified; and such assurances of confidence and good will exchanged, in name of

<sup>1</sup> History of the Four Last Years, p. 277. Spain, and Portugal, rendered the English Treaty, vol. ii. p. 124. The discovery of a ministers more desirous to hasten the peace. secret treaty in agitation, between France, Political State, vol. ii. p. 592.

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the two sovereigns, as seemed to ensure the final success of the treaty as far as they were concerned. Mr. Prior was secretly dispatched to Paris to notify the disposition of the English court; and to explain more fully the terms upon which, probably, a general peace might be concluded<sup>6</sup>. Mesnager also returned to France, and having communicated all that had passed in private conference, he was sent back, together with Mr. Prior and the abbé Gualtier, invested with an ostensible character to treat, in the name of the French king, with the persons commissioned for that purpose by the queen of England<sup>7</sup>.

September.

Every topic relative to this affair having been already discussed, little time was necessary for adjusting those points which were to be made the basis of a general treaty; which were accordingly signed on the 27th of September by monsieur Mesnager, Mr. St. John, and the earl of Dartmouth<sup>8</sup>.

When the preliminaries were made known to the Dutch by lord Strafford, the English minister at the Hague, they not only objected to them as insufficient for the basis of a negotiation, but dispatched de Buys to remonstrate with the court of England, against any farther proceedings in this business, till the French king should consent to name the fortified places, which were to constitute their barrier. The emperor commenced his opposition to the peace, by measures no less ominous and discouraging to its well-wishers; he directed

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<sup>6</sup> Prior, p. 345.

<sup>7</sup> They were all seized as suspected persons at Canterbury, in their way to London, but afterwards released by an order from the secretary of state. Prior, p. 348.

<sup>8</sup> The substance of these was, that the French king should acknowledge the title of the queen, and the protestant settlement; that he should take all just and reasonable measures for hindering the crowns of France and Spain being united; that the Dutch should be put in possession of fortified places in the Netherlands to serve hereafter for a barrier; that a secure barrier should also be

formed for the empire and the house of Austria; that the works and fortifications of Dunkirk should be razed and demolished after the conclusion of the peace, on condition of a proper equivalent being given to the French king.

The preliminaries were first communicated to the public by count Gallas, the Imperial ambassador, with the intention of prejudicing the people against them. A message was sent him by Mr. St. John to come no more to court. Baron Bothmar's Memorial was also published for the same purpose. Political State, vol. ii. p. 579. 678.

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circular letters, to all the princes of the empire, and addressed the States, exhorting them to stand firm in their adherence to the terms of the grand alliance; and to join in interceding with the queen of England, to reject propositions, which were so vague and ambiguous, that they appeared to have been framed for the purpose of ensnaring and disjoining the confederacy. Baron Bothmar, envoy extraordinary from Hanover, soon after delivered a memorial to the British court, in his master's name, representing the importance of preserving union among the allies, and the pernicious consequences of ceding the Spanish monarchy to the house of Bourbon<sup>9</sup>. Encouraged by such an association, the Dutch became more violent in their condemnation of the preliminaries, and withstood the pressing entreaties of lord Strafford to accede to a general treaty, or to grant permission to the French plenipotentiaries to enter their territories; but, when the queen not only refused to concert with them about the measures for the next campaign, but threatened to withdraw all the English troops from the field, they gradually gave way; and, at length formally announced their consent to her proposal for opening a congress at Utrecht on the 12th of January 1712<sup>10</sup>.

Such were the steps taken by the ministers in the affair of peace, previous to the meeting of the second session of parliament. A short view of their domestic policy, and of the state of parties, will contain farther preparatory information for understanding the important transactions, which occupied the attention of that assembly.

During the recess of parliament, the ministers had extended their influence and dependencies by bringing more of their party into official places<sup>11</sup>. They were at great pains to conciliate popular esteem, by high pretensions to probity and disinterestedness, and a zeal for moral reformation. A declaration was published by her majesty

<sup>9</sup> Tindal, vol. ix. p. 162.<sup>10</sup> Prior, p. 355. Meznager, *passim*.<sup>11</sup> Several of the leading Tories were made members of the privy council. The earl of Poulet was made lord steward of her majesty's

household in room of the duke of Buckingham, who succeeded the earl of Rochester as president of the council. Dr. Robinson, bishop of Bristol, was appointed lord-keeper of the privy seal.

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against the infamous practice of selling places and offices, to the great injury of the public service, and the discouragement of virtue; and a reward was promised to those who should discover the persons guilty of this crime. Nor were the good resolutions of the present ministers confined to the suppression of political depravity. Her majesty addressed a circular letter to the archbishop of Canterbury, lamenting the general corruption of manners, and the laxity of ecclesiastical discipline; and charged him, by the most solemn considerations, to use effectual means for putting a stop to these evils, and providing for the well-governing of the church, and the furtherance of godly living.

So far the domestic management and conduct of ministers seemed favourable to their continuance in power; but their internal strength and security had not advanced, either in proportion to the number of their friends brought into employment, or the apparent prudence and propriety of their measures.

1. Although the present ministers owed their rise to popular favour, yet it soon began to abate; and their antagonists, in their turn, entertained hopes of an approaching restoration by the aid of those instruments which had supplanted them. Under the alternate impulse of discordant passions, individuals and public bodies are precipitated into gross inconsistencies of conduct and attachments. The generality of the people, zealous for the interest of the established church, had been betrayed into excess of alarm from the apprehension of its real, or imaginary danger. Antipathy to France, abhorrence to popery, and a jealousy for the protestant succession, not less deeply rooted in their breasts, now began to resume a predominant sway. The bold and positive charge of guilt seldom fails to leave an impression, especially when assigned to rulers, whom, from the genius of the constitution, Englishmen are naturally prone to suspect. The new ministers were branded by their discomfited antagonists with the aspersions of partiality to the interests of the courts of France and St. Germain's, and some of the measures, which they pursued,

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supplied their accusers with specious facts in support of this imputation<sup>12</sup>. Some suspected Jacobites had been returned members from Scotland in consequence of ministerial recommendations: it was asserted, that not only individuals, but public bodies in that kingdom had, with impunity, given open testimonies of loyalty to the exiled prince<sup>13</sup>. All, who lay under the same suspicion in England, took an active part in supporting the influence and justifying the measures of the present leaders. The negotiations for peace, originating from a clandestine correspondence with the French court, and carried on in opposition to the remonstrances of the confederates, awakened the doubts of the multitude, that they had been imprudent and precipitant in giving their confidence to the persons now at the helm<sup>14</sup>.

2. The strength of administration was considerably diminished by the supineness, or desertion of some of its respectable friends. During the struggle for power, every party is under strong temptations

<sup>12</sup> Account of the Conduct of Oxford. Pamphlets of the times.

<sup>13</sup> The duchess of Gordon, in the month of June 1711, sent a silver medal to the dean of the Faculty of Advocates in Edinburgh, with a head on one side, and this inscription, *ejus est*; and on the other, the British isles, with the word, *reddite*. The dean presented the medal to the faculty at their next public meeting, and a debate ensued about the propriety of admitting it into their repositories; it was carried by sixty-three votes against twelve to admit the medal, and return the duchess of Gordon thanks for her present. Two of the advocates, delegated for this purpose, waited upon the duchess, and expressed their hopes that her grace would soon have an opportunity to compliment the faculty with a second medal upon the restoration of the king. The Medal, Lond. 1712. Such was the account of this transaction circulated by the enemies of administration, and published in the London Flying Post, 8th August. In consequence of this aspersion, an extraordinary meeting of the advocates was called 17th July, and an act

was drawn up representing, that they had, at their public meeting, rejected the offer of the medal, and ordered it to be delivered into the hands of the lord advocate, which had been done in their presence; and that they had solemnly declared their loyal affection to her majesty, and their zeal for the protestant succession. This act and representation was published in the Edinburgh Gazette, in contradiction to the account given by the Flying Post. As no prosecution was carried on against the publisher of the paper, as had been threatened by the advocates, many still retained the impression which they had taken up on its authority; and, as the ministry did not inquire into the facts, nor take notice of several Jacobite publications in circulation, while they prosecuted, with the utmost severity, the authors who wrote in defence of the late ministry, under a professed zeal for whig principles, it strengthened the suspicion propagated against them by their enemies, that they were cherishing designs friendly to the pretender. Political State, vol. ii. p. 479.

<sup>14</sup> Pamphlets of the times.

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of over-stretching its credit, and of amusing the hopes of its votaries, by entering into engagements, both with regard to its patronage and public conduct, which cannot be performed when the day of trial arrives. No sooner has the honey-moon of a new administration expired, than it begins to be upbraided with the complaints of neglected friends, and accused of apostasy from those principles which gained patriotic affection. The slowness and hesitation with which the changes in the subordinate places were effected, and the endeavours of the leading men in administration to compromise, and coalesce with their predecessors, not only disgusted ardent friends, but indicated a consciousness of imbecility, which re-animated the hopes, and consolidated the union of their antagonists<sup>15</sup>.

The performance of ministers, who owed their preferment to a profession of zeal for the church, did not come up to the expectations of those who had favoured them from the pure impulse of that principle. The clergy of the high church party had formed the most extravagant projects for exalting ecclesiastical authority and augmenting the emoluments of the sacerdotal order. Some were so illiberal as to wish for a repeal of the act of indulgence; and all of them were dissatisfied, because nothing had been done for controlling the growth of schism, and mortifying the protestant dissenters. In short, except building a few churches, which was imputed to the piety of the sovereign, a ministry and parliament, indebted for their political existence to the zealous friends of episcopacy, could not as yet produce, in the register of their transactions, a single voucher of gratitude and kindness to their benefactors<sup>16</sup>.

Persons, who had long indulged the rancour of party animosity and contributed to the promotion of the tory ministers by the invectives and calumny with which they had loaded the Whigs, were not less irritated upon account of the delay of vindictive justice. If the crimes of their predecessors were as enormous as the ministers wished

<sup>15</sup> Swift's Letters, passim. History of the Four Last Years, p. 43.

<sup>16</sup> Impartial View, p. 341.

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the people to believe, ought not some exemplary punishments to have been inflicted for the vindication of their own honour; for avenging the wrongs of an insulted nation; and for guarding posterity against similar oppressions? But when, instead of impeachments and trials which had been anticipated with malignant gratification, terms of reconciliation were held out to the guilty; and when the general, who was the very soul of the odious cabal, and the prime delinquent, still continued to enjoy boundless emoluments and the most dangerous power, these sanguine partisans were ashamed of having been made the tools of artifice, and the dupes of their own credulity; and, whether they indulged a contempt for the timidity, or indignation at the treachery of those who had deceived them, the effect was equally hurtful to the reputation and influence of the present rulers<sup>17</sup>.

3. The events of the campaign 1711 were by no means favourable to the reputation of the ministers, or answerable to the hopes of the nation. The importance of carrying on the war in Spain had been their constant theme when out of place; and the sum, of one million five hundred thousand pounds, had been granted for that purpose by the preceding session of parliament: the duke of Argyle, who had acquired distinguished fame as a general, had been appointed to the principal command there; and confident expectations had been cherished of an entire change of the face of affairs in that quarter; but these were sadly disappointed by the criminal neglect of the ministers in not sending out the promised reinforcements and remittances<sup>18</sup>.

<sup>17</sup> Impartial View. Letter to a Member of the House of Commons touching Embezzlement, p. 70. Lond. 1712.

<sup>18</sup> Life of Argyle p. 69. It appears from the correspondence between Mr. St. John and Lord Townshend, that the tory ministers acted with consistency in the affairs of Spain; they had determined, after they came into power, to push the war with the greatest vigour there;

and made the most earnest applications to the rest of the allies for supplying their stipulated quotas for that service; and, though they began to grudge the redundant expence which had been laid out on the war in Germany, they were inclined to have gone farther than their predecessors had done in support of the Spanish war. Letter of Mr. St. John and Lord Townshend, passim. MSS.

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The ill-directed and unsuccessful operations of the fleet had been another ground of complaint against the late ministers, but, instead of retrieving its honour, their successors had been the authors of disgrace and calamities in that department, unprecedented in any former year of the war<sup>19</sup>.

After all the expectations, which had been raised by the promises of the ministers, relative to the management of the war, it could not fail to put their friends to the blush, to find, that the whole amount of success, in the course of the last campaign, had only added fresh laurels to the general, and animated the hopes of those who had been the objects of their hatred<sup>20</sup>.

4. The firm adherence of the ejected party to one another, promoted both by their hopes and their fears, produced the most strenuous exertions for undermining the popularity with which their antagonists had entered into the career of power. If the war was prolonged, it was evident that the duke of Marlborough, whose services were indispensable, would have it in his power to make his own terms with the court, and to re-establish the interest of his friends; and that, on the other side, they had every thing to fear upon the event of peace, from the resentment of ministers, inflamed to the highest pitch by the contempt with which their offers of reconciliation had been rejected<sup>21</sup>. It was obvious, that every instance of error or mismanagement, which occurred in the various and complicated transactions of a long administration, would be investigated with diligence, and chastised with severity. To blast the re-

<sup>19</sup> The ill success of the expedition against Canada, owing to the ignorance and neglect of those who had the management of it, brought great discredit upon the ministers; and it was now said, that it had been undertaken solely for the advantage of general Hill, Mrs. Masham's brother. Mr. Harley disapproved of that expedition, because no previous estimate had been given in, or money allowed for it by parliament; but it was urged by Mr. St. John, who prevailed on the queen

to give a warrant for the payment of twenty-eight thousand pounds for that purpose, 21st June 1711, at the time he was finding fault with the late administration, for increasing the charge of the war beyond the bounds prescribed by parliament. Memoirs of the Four Last Years, p. 118. History of Impeachments, p. 204. 305. Lond. 1717.

<sup>20</sup> Memoirs of the Four Last Years, p. 120.

<sup>21</sup> Life of Bolingbroke, p. 268.

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putation and frustrate the vengeance of their enemies, no expedient seemed better calculated, than maintaining a strict friendship with the allies, and co-operating with them, to discredit the depending negotiations. The zeal which the Whigs affected for the great object of the confederacy, and the assistance which they derived from the countenance of the allied powers, grew every day more formidable to the ministers, and could not fail to succeed in retarding, or finally obstructing the peace. The interest of the allies and England had been so long incorporated, and their connexion so much familiarized to the minds of the English, that a separation of them was considered as no less unnatural and impolitic, than rending and dividing the British empire. The friendship of the Dutch was deemed so essential to the security of the protestant succession, that many who had wished well to the present ministers, and been pleased with their introduction to power, became anxious for removing them, lest they should be the instruments of bringing the nation to a rupture with that ally, and breaking down the strongest barrier against the hopes of a popish successor<sup>22</sup>.

5. The friends of administration were disheartened, and their adversaries encouraged by the internal discord, which arose from the different principles, the tempers, and the ambition of its members. Mr. Harley, though he had now relinquished the hopes of a coalition with the Whigs, had a strong bias for their political system; and besides he discovered, in the adoption and prosecution of public measures, an hesitation and slowness, which wearied the patience and excited the contempt of his colleagues<sup>23</sup>. Mr. St. John, and sir Simon Harcourt, had imbibed the ardent and impetuous spirit of the party they patronised, and wished to keep pace with the expectations of their friends, by a complete change in all the offices of government, and the speedy execution of such measures as they themselves had recommended when out of place. The haughty

<sup>22</sup> Somers, vol. xvi. p. 338.

<sup>23</sup> Sheridan's Life of Swift, p. 75. Swift's Letters, 8th February, 4th March, 1710.  
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spirit of Mr. St. John submitted, with disdain, to the authority of a minister, whom he considered as inferior to himself in mental endowments and political knowledge. The misunderstanding between Mr. St. John and Mr. Harley had grown to such a height at the beginning of the year 1711, that they had not only discontinued all social intercourse, but seldom met at the council-board; and the former had begun to enlist partisans for himself with a view to a new administration<sup>24</sup>.

The early defection of the duke of Somerset from the present administration was attended with effects injurious to their measures; and gave serious alarm to all who were interested in their stability. The duke had left the Whigs in disgust, because he thought that he was not enough consulted by them on political affairs; and, as his lady was in high favour with the queen, the tory ministry considered his accession to be a strong prop to their authority. When the question for dissolving the parliament came under consideration, the duke warmly opposed it; and, being overruled, he became sullen and unmanageable, and at length discontinued his attendance at the council-board. He began to associate again with his old friends; and was suspected of communicating to them the secrets of government<sup>25</sup>. The dismissal of the duke, though the queen should be prevailed upon to consent to it, could but little avail the ministers, while his duchess was rooted in her confidence, and remained, within the walls of the palace, a malignant spy upon all their actions<sup>26</sup>. Such was the state of parties, when the second session of this parliament opened on the 7th December 1711.

The queen's speech related chiefly to the peace. She said, that, notwithstanding the arts of those who delighted in war, the place and the time for opening a general treaty were appointed; that she

<sup>24</sup> Oxford's Account of Public Affairs. the secret negotiations for peace, which they did not fail to represent to the disadvantage of Conduct of Oxford.

<sup>25</sup> History of the Four Last Years, p. 28, the present ministers, both in England and 29, 31. Advice to the October Club. He abroad.

was accused of making known to the Whigs <sup>26</sup> Id.



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The commons, by a great majority, voted an address, expressing their unreserved approbation of her majesty's speech. The next day they granted a supply; and proceeded, without loss of time, upon the estimates, and the ways and means.

In the house of lords, a motion was made by the earl of Nottingham for introducing a clause in their address to the queen, that no peace could be safe or honourable for Great Britain and Europe, if Spain and the West Indies were allotted to any branch of the house of Bourbon. After a long debate, which principally referred to the preliminaries for peace, and the engagements of Britain to the confederacy, the motion was carried by a majority of four votes<sup>27</sup>.

As the house of lords had formerly addressed her majesty, not to make peace while the Spanish monarchy remained in the possession of the duke of Anjou, they acted consistently in holding the same language in their address, upon the approach of a treaty. Their resolutions upon other questions had more the appearance of party spirit; and seemed to be intended for confirming the superiority of the faction adverse to the court. The duke of Hamilton was in great favour with the queen; and, having been created a British peer, claimed his right to a seat in the house of lords. His claim was opposed upon the same footing, that a Scottish peer was rendered incapable of being promoted to a British peerage after the union. Council was heard for the queen, the duke, and the Scottish peers; and the question was decided against the claim. It may be

<sup>27</sup> Journals Lords, 6th December.

fairly

fairly admitted, that specious arguments were advanced in support of this decision; but the previous rejection of a motion for taking the opinion of the judges, in a question that was new and difficult, indicated a precipitation hardly consistent with a due respect for justice<sup>28</sup>.

The weakness of ministerial influence in the upper house was not less apparent, from open and direct opposition to some of their measures, than from the approving, or rather forestalling of others, conformant to the political system and private sentiments which they had espoused. The principal members of the present administration had been the most notable champions for the bill against occasional conformity; and it was expected, that, from consistency as well as gratitude to their friends, they would lose no time in bringing it again into parliament. That one whole session should have elapsed, without any motion for this purpose, was imputed to the procrastination of the treasurer, or to his latent affection for the dissenters; and gave umbrage to many of the Tories, who were hardly satisfied with the promise of being gratified in the course of this session<sup>29</sup>. But before any step had yet been taken by administration in this business, the earl of Nottingham brought a bill into the house of lords for preserving the protestant religion, by which the principal objects of the bill against occasional conformity were obtained. He had ever

<sup>28</sup> A dissent was entered against this decision, 20th December; and the Scottish peers discontinued their attendance in the house. The queen interested herself anxiously in behalf of the duke of Hamilton; and, in a message to the house of lords on the 17th January, she expressed her desire for their advice to find out the best method of settling this affair to the satisfaction of the whole kingdom. In consequence of this message, the lords resolved, that the sitting of the peers of Great Britain, who were peers of Scotland before the union, in that house, by election, was alterable by parliament, at the request of the peers of Great Britain, who were peers of Scotland before the union, without any violation of the union. Journals Lords, 25th January. Although no alteration followed immediately upon this resolution, yet it appeased the Scottish peers so far, that they returned to the house of lords.

In the year 1782, the duke of Hamilton claimed to sit in the house of peers as duke of Brandon; and the question being referred to the judges, they were unanimously of opinion, that the peers of Scotland are not disabled from receiving, subsequently to the union, a patent of peerage of Great Britain. Journals Lords, 6th June 1782.

<sup>29</sup> Letter to the October Club.

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been a zealous patron of the church, and now acted with consistency; but that the measure should have been supported by the generality of the Whigs, was not less mortifying to their considerate friends, than it was to their antagonists, who were robbed of the applause, which they expected from taking the first steps in every business relative to the interest of the church. It only remained for the latter, with a good grace, to give their countenance to this bill; and, if possible, to carry it beyond the intention of its authors. When it came to the house of commons, they would not so much as listen to a petition from the French and Dutch protestants, praying that they might be exempted from the restrictions imposed upon the English dissenters<sup>30</sup>.

23th Dec.

22d. The last triumph of the Whigs, in the upper house, was a vote for addressing her majesty, to instruct her plenipotentiaries not to open the congress at Utrecht, until they had first concerted with the ministers of the allies necessary measures for preserving a strict union among themselves; after which, instead of adjourning to the 22d of January as the house of commons had done, agreeably to the wishes of the court, they adjourned only to the 2d of that month.

3:ft. The repeated experience of the weakness and uncertainty of their influence, in the house of lords, induced the ministers to suggest, to her majesty, a very extraordinary exertion of prerogative. Twelve new peers were created in one day, for the purpose of turning the scale in the upper house in favour of administration, and overpowering all opposition to its plans. Although the power exercised by the crown upon this occasion was not liable to any legal objection, yet it was justly condemned, not only by the party which it

<sup>30</sup> Journals Lords, 15th, 17th, 18th December. Journals Commons, 19th, 20th. It was intitled, "An Act for preserving the Protestant Religion, by better securing the Church of England; and for confirming the Toleration granted to Protestant Dissenters, by the Act exempting them from the Penalties of certain Laws, and for supplying the Defects there-

of," &c. &c. It was a despicable subterfuge in the Whigs to shelter themselves under the title of an act, the tenor and spirit of which were a flat contradiction to its professed purpose. The earl of Nottingham is said to have made this bill the condition of his supporting the Whigs. Political State, vol. ii. p. 690.

overthrew,

overthrew, but by all the intelligent friends of the constitution, as CHAP.  
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1711, 12. establishing a precedent, tending to control the independence of the legislature.

A few days after this reinforcement of the ministerial party, her majesty communicated to both houses the arrival of her plenipotentiaries at Utrecht, and their having begun to concert the most proper measures for procuring satisfaction to her allies, particularly with respect to Spain and the West Indies; which communications were acknowledged with the strongest assurances of gratitude and confidence in her government.

17th Jan.

18th.

Most of the measures introduced during this session related to the prosecution of the late ministers, and to the censure of those measures which they had directed. Mr. Walpole, the late secretary, was expelled the house of commons, and sent to the Tower, for having corruptly taken money as the price of contracts granted for foraging her majesty's troops in North Britain<sup>31</sup>.

21st Dec.  
17th Jan.

The duke of Marlborough, upon the information of the commissioners of accounts, was accused of having received enormous sums every year, by way of gratuity, from the contractors for furnishing the British troops with bread; of having received two and a half per cent. out of the pay of the foreign troops in the service of England; and of having allowed Mr. Cardonnel, his secretary, to exact

11th Dec.

<sup>31</sup> He had received five hundred guineas, and a note for five hundred pounds, on account of two contracts for forage to her majesty's troops in North Britain. It appears from Mr. Mann's evidence in the house of commons, 17th January, and Mr. Walpole's vindication of himself, that the latter derived no advantage from these sums; that he had received them on Mr. Mann's account, having before stipulated with the contractors that he was to be a sharer in this undertaking, at equal profit or loss, as should happen in performing the contract.

He was returned again member for the borough of King's Lynn, but the commo-

found him incapable of being elected to serve in the present parliament. They also resolved, that Samuel Taylor, who had the minority of votes, was not duly elected; and that therefore the election was void. Journals Commons, 6th March 1712.

In the dispute relative to the Middlesex election in the year 1769, the ministerial party referred to the case of Mr. Walpole, as a precedent for the repeated expulsion of Mr. Wilkes; but opposition appealed to the same precedent for refusing to sustain the election of colonel Lutterel, who had the smallest number of votes. See this point stated, Letters of Junius, p. 520.

five

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five hundred ducats on every contract; and Mr. Sweet, the deputy paymaster, to deduce one per cent. for all the money he paid to the contractors<sup>32</sup>. The duke of Marlborough did not deny these charges, and pleaded, in his own vindication, that the premium, which he had received from the contractors, had been formerly allowed as a perquisite to the chief commander in the Low Countries; that the deduction from the pay of the foreign troops had been granted by her majesty's warrant; and that the emoluments, arising from both, had been expended for the public service in procuring secret intelligence, which had contributed, essentially, to the success of the war<sup>33</sup>. These apologies did not satisfy the house of commons, who resolved, that taking money from the contractors was illegal; that the two and a half per cent. from the pay of foreign troops, was public money, and ought to be accounted for; which resolutions, the speaker, attended by the whole house, presented to her majesty, who gave orders to the attorney-general for prosecuting the duke<sup>34</sup>.

24th Jan.

17th Oct.  
26th Nov.

Several attempts were made to criminate the late treasurer, but the only specious one was founded upon a report of the commissioners of accounts, representing that the sum of twenty thousand pounds had been lent to the Scottish treasury, during the dependence of the union, of which twelve thousand had been repaid, and that the remainder ought to be accounted for to the public. Upon a full examination of evidence, it appeared, that the above sum had been remitted for the purpose of enabling some of the Scottish

<sup>32</sup> Journals Commons, 21st December.

<sup>33</sup> Marlborough's Letter. Hague, 10th November. *Annals Anne*, 1711; Appendix, No 1. The value of the gratuities which the duke had received from the contractors for bread were calculated at sixty-three thousand, three hundred and nineteen pounds; and the two and a half per cent. deducted from the pay of the mercenary troops, at the sum of four hundred and sixty thousand, and one pound. The duke of Ormond, who succeeded the duke of Marlborough, enjoyed the same emo-

luments. *Cunningham*, vol. ii. p. 417.

<sup>34</sup> The duke had been dismissed from all his employments, 31st December 1711. The reason assigned for this by her majesty was, the inquiry depending before the house of commons relative to his grace's conduct.

A prosecution was instituted by the attorney-general against the duke; but he soon after went abroad, and it was dropt, which made people believe, either that the ministry must have failed in evidence, or that they durst not proceed. *Purse and Mitre*, p. 43.

nobility,

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nobility, in the confidence of the English cabinet, to perform engagements which they had come under, to secure the assistance of certain individuals in carrying on the union; but that this business had been concealed from the treasury, lest it should have given a handle to the enemies of government there for thwarting the treaty. Lord Godolphin did not materially contradict the statement of the commissioners; and represented, that her majesty had agreed not to exact the reversion of the debt<sup>35</sup>. From the mysterious circumstances which attended this transaction, we are warranted to conclude, that the money had been disposed of in a way that could not be revealed to the public without bringing some imputation of selfishness upon individuals, who had ostensibly contributed to the success of the union; nor will the most rigid moralist be inclined to censure the persons then in power for such an allotment of the public money, when he attends to the value of the object obtained; and to the justice of reimbursing the heavy expences, necessarily incurred by their friends, in counteracting the plots of ignorant or ill-designing men, hostile to the true interest of their country.

By these proceedings, the ministers not only gratified their resentment, but disclosed the interested views of their predecessors in opposing the peace. This object was still more directly promoted by a series of inquiries, tending to expose the ill conduct of the allies towards Britain; and to bear down those scruples about separating from them, which the Whigs propagated to render the treaty for peace unpopular. After a full examination of all the treaties, sub-

<sup>35</sup> Second Report of the Commissioners of Accounts, 17th March. Upon the first examination, lord Godolphin acknowledged that twelve thousand pounds had been paid back, but afterwards corrected his evidence, and said that it was not paid to him. *Political State*, vol. iii. p. 218. We may however infer, that no proof of corruption could be found against

lord Godolphin, from the total suppression of this business, after it had been brought forward by a party, who had the inclination and power to condemn him, if any shadow of guilt had appeared. It is a strong testimony in his favour, that Dr. Swift says of him; "*I think he cannot be accused of corruption.*" *History of the Four Last Years*, p. 177.

sidies,

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sidies, and estimates, in which Britain and the allies were jointly concerned, the commons passed various resolutions, expressive of their dissatisfaction with the conduct of the latter. These were afterwards laid before the queen in the form of a representation and address<sup>36</sup>, in consequence of which, lord Strafford was instructed to notify to the states, that the queen required them to augment their troops in a fair proportion to those of England; and to threaten, if this was not complied with, that she would reduce hers to the proportion of those actually furnished by the States.

Among the censorious votes passed by the commons, none affected the honour of the late ministers more deeply, and gave a greater alarm to the Dutch, than those which related to the barrier treaty. After having examined the treaty, and the correspondence between the English ministers and lord Townshend, it was resolved, that several articles of it were destructive to the trade and interest of Great Britain; that lord Townshend had no authority for consent-

<sup>36</sup> From this representation, composed by sir Thomas Hanmer, it appeared, that all the confederates had failed in their stipulations, and particularly in the quotas of men which they were bound to furnish; that Britain had always gone beyond her engagements; and, during the war, had expended nineteen millions by way of surplus, or beyond the sums she was bound to pay; and that the part she had borne in the war was equal to that of the whole confederacy.

The States presented a memorial to the queen, 3d April, attempting to refute the grounds upon which the representation of the commons was founded. The substance of it was, that, by the terms of the alliance, both powers had engaged their utmost force; and that they had done all they could do; they admitted that Great Britain had sometimes exceeded the proportion of ships and men, settled at the beginning of the campaign; but that this could furnish no ground of censure against them, while they fulfilled their stipulations; they objected to some of the calcu-

lations, and asserted, that the revenue, arising from the country where their barrier lay, was over-rated.

The fact seems to have been this: Although by the grand alliance between England, the empire, and Holland, the former was bound to assist the other two with its utmost force by sea and land, yet, by a subsequent convention, the proportion, which the several parties were to contribute towards the war, was adjusted in the following manner. The emperor was obliged to furnish ninety thousand men against France; Holland to bring sixty thousand into the field, and England forty thousand. In the progress of the war, the quotas of the allies were diminished, and those of England augmented; and, when this was complained of, the former defended themselves upon the general terms of the first convention; and, though the existence of the latter was notorious and acknowledged, yet it is remarkable, when a search was made for it by the treaty ministers, no copy of it could be found. History of the Four Last Years, p. 148.

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ing to them; and that he and all who advised the ratification were enemies to the queen and the kingdom<sup>37</sup>.

These discoveries, tending to the discredit of the allies, made a deep impression upon the great body of her majesty's subjects, and united them with the ministers in the desire for peace; but at the same time, by widening the breach between the confederates and Britain, increased the insolence of the French king, and raised new obstructions to the negotiations. The commons, relying entirely on the wisdom of administration, avoided any interference in this business; but the lords were by no means satisfied with the preliminaries which were proposed by the French, and presented an address to her majesty, assuring her, that they would assist her with their lives and fortunes to carry on the war in conjunction with the allies, till a safe and honourable peace could be obtained.

The presence of prince Eugene, who arrived in England in the beginning of the year, animated the efforts of the Whigs, and filled the court and the ministers with the apprehension of dangerous intrigues for thwarting their measures<sup>38</sup>. He had authority from the emperor to propose such plans for continuing the war, and for mitigating the burden of it to England, as began to make a great impression, even upon those who had expressed their earnest wishes for a speedy peace<sup>39</sup>. The ministers of the States not only teased the court with complaints and remonstrances, but carried their appeal to the people. Their letter to the queen, complaining of the de-

<sup>37</sup> While the question on the barrier treaty was depending, the States wrote a letter to the queen, 19th February, expressing their willingness to explain, and treat upon such articles as did not affect its essentials, or take away the rights which they had acquired. The repeal of the barrier treaty, though perhaps necessary for obtaining a peace, was certainly a harsh measure towards the Dutch, and dishonourable for the queen.

<sup>38</sup> History of the Four Last Years, p. 56. Prince Eugene continued in London till the 17th March. He was received with external

civility by the court, and her majesty presented him with a sword, enriched with diamonds to the value of four thousand five hundred pounds. He was warmly caressed by the Whigs; and entertained, with great magnificence, by the great men of every party. Political State, vol. iii. p. 55, 56.

<sup>39</sup> Prince Eugene's Memorial. Political State, vol. iii. p. 95. The emperor's memorial, by her majesty's order, was communicated to the commons, February 25; and was made the basis of reducing her contributions to the war in Spain.

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claration which they had received from the British ambassador, was printed in Holland, and circulated in England as soon as it was delivered to the court. The commons addressed the queen, expressing their sense of the indignity offered to her by this publication; and praying that, in future, she would be pleased to decline answering any memorials which were printed before being presented to her majesty.

To the great zeal of the ministry and commons for the interest of the English church, we are to impute the repeal of some laws, and the enacting of others, which, however reasonable and just, gave great offence to the presbyterians in Scotland. The liberal plans of William, with respect to toleration there, had been greatly obstructed, not only by the religious bigotry of the people, but by the political principles of those who generally adhered to the episcopalian persuasion<sup>40</sup>, and whose known attachment to king James rendered the whig ministers more disposed to comply with the severe restrictions upon religious freedom, which were ungenerously suggested by the members of the establishment. Though, from the desire of the king, several of the ministers, who refused to conform to the new establishment, still continued to officiate in parishes where they were acceptable to the congregations; yet this had been always understood as an indulgence, which they owed to the connivance of the magistrate, rather than to the intention of the law. As the doctrinal tenets of the Scottish episcopalians and presbyterians were the same, and the difference in their forms of worship trivial, we are the more astonished at the narrowness of the latter, in grudging a toleration to their protestant brethren, while they themselves were vested with exclusive authority and emoluments as a national establishment.

About the beginning of the present reign, a great change of sentiment began to operate upon the Scottish episcopalians. It was na-

<sup>40</sup> Letter concerning Toleration. Edinburgh, 1703.

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tural for them, in their depressed condition, to cherish the idea of a relation to that religious community, in the neighbouring kingdom, which, under the sanction of law, enjoyed a constitution and polity consonant to their own principles; and this propensity paved the way for a nearer conformity, by adopting the English modes of worship. It was also reasonable to conclude, that, as the sovereign was herself a member of that church and zealous for its interest, so, by accepting and using the liturgy, they were likely to stand on fairer ground for obtaining her protection when she had a safe opportunity of bestowing it.

The event of the union contributed still farther to the encouragement of these hopes; and accelerated the period of their being realized. The incorporation of the legislatures, of the two respective kingdoms, seemed highly favourable to the uniformity of their religious establishments; which would be more easily accomplished, if the episcopalians in Scotland could be induced to abolish every distinction, obstructing their full communion with the church of England.

The same idea of the importance of a general uniformity, in worship and government, was fondly cherished by some dignitaries of the English church, who recommended contributions to purchase copies of the common prayer book for the use of the Scottish episcopalians<sup>41</sup>. A few of the clergy of that description, who had been ordained by the English bishops, and who officiated in the episcopalian congregations in Scotland, read the prayers of the English church, though only in more private meetings, and occasionally, because it was disliked by the generality of their adherents<sup>42</sup>, and ex-

posed

<sup>41</sup> Memoirs of the Four Last Years, p. 246.

<sup>42</sup> Queries to the Scotch Innovators. Lond. 1712. The commission of the general assembly complained of the use of the liturgy, not only because it was a violation of the uniformity of worship secured by law, but because "it introduced the use of set forms,

"rules, and ceremonies in the worship of God in public assemblies, the introduction whereof was not so much as once attempted even during the late prelacy." Act of the Commission, 5th August 1709.

There was nothing in the episcopal worship in Scotland, to which the presbyterians objected,

CHAP. XIX. posed the worshippers to the double danger, of legal penalties, and the fury of a bigotted mob<sup>43</sup>.

1712.

A variety of circumstances contributed, in the progress of the present reign, to forward the proselytism of the Scottish episcopalians to the English forms of worship, and to encourage them to make a more open avowal of it. The queen had often expressed her solicitude to obtain indulgence from the ecclesiastical courts, in behalf of such of the superseded clergy as were well affected to the government, and esteemed for their moderation and prudence<sup>44</sup>. The enthusiasm which was kindled in England by the affair of Dr. Sacheverel was conveyed beyond the Tweed, and raised a congenial spirit in those of similar principles in Scotland. The disgrace of the whig ministers who had patronised the presbyterians, and the exemplary zeal of their successors, allured the attachment of the Scottish episcopalians, in whose behalf it was exercised, and of whose rising prosperity they themselves hoped to participate. The members of that community in Edinburgh now threw off all disguise, and openly attended the English worship performed by Mr. Greenshields, who had been ordained as a presbyter by the bishop of Ross, and afterwards officiated as a curate at Tynan in the diocese of Armagh. The presbytery of Edinburgh summoned him to appear before them,

jected, except the use of the Lord's prayer, the doxology, and the apostle's creed at baptism. Apology for the Episcopal Clergy in Scotland. Lond. 1793. The presbyterian clergy were more strict and rigorous in the exercise of church discipline than the episcopalians. Id.

<sup>43</sup> A riot happened at Glasgow, 30th January 1703, in consequence of Mr. Burges, who had taken the oath to government, having attempted to perform service according to the form of the church of England. The mob forced open the doors, broke the windows of the meeting, and, had it not been for the interposition of the magistrates, would probably have proceeded to violence against

the principal members of the congregation. Letter of the Chancellor of Scotland, 8th March 1703. Minutes of the Privy Council. MSS.

<sup>44</sup> "You are to prevent as much as possible, the turning out of their churches, such of the episcopal ministry as are qualified to conform to the act of parliament."

"You are to encourage any inclinations you find in the assembly, to assume such of the ministry who preach under bishops, and are qualified by law," &c. Instructions to the Earl of Glasgow, Commissioner to the General Assembly of the Church of Scotland. Kensington, 22d March 1708. MSS. Paper-office.

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in order to inquire into his licence and authority to exercise ministerial functions; and, upon his declining their jurisdiction, prohibited him to exercise any part of the holy ministry within the bounds and liberties of Edinburgh, with certification that, if he transgressed, he should be imprisoned and suffer such other punishment as they should think fit to inflict. The execution of this sentence was remitted to the magistrates, who called him before them, and, upon his still refusing to submit to the sentence of the presbytery, he was sent to prison, where he lay for several months, till he was released by a sentence of the house of lords<sup>45</sup>. Though this sentence was agreeable to every principle of liberality and justice, yet it gave great offence to the clergy and members of the establishment, and was complained of as injurious to the purity of religion, and contrary to the existing laws.

To remove every doubt upon this point, and to procure a legal sanction for the episcopalian dissenters to worship according to conscience, a bill was brought into the house of commons, to repeal an act of the Scottish parliament, which subjected them to the discipline of the kirk courts; and to prevent their being disturbed in the use of the liturgy of the church of England<sup>46</sup>. Seventeen only voted against this bill in the house of commons, of whom fourteen were Scottish members; in the house of lords, it was opposed by some of the bishops, but carried with a few amendments, which were rejected by the commons<sup>47</sup>. The ministers of the church of Scotland were

<sup>45</sup> State of Mr. Greenshields' Case. Lond. 1711. Case of Mr. Greenshields. Edin. 1710. The sentence of the presbytery of Edinburgh was founded upon these two arguments: 1st, That he exercised the ministry within the bounds of the presbytery without their allowance, and was an intruder. 2d, That he introduced a form of worship contrary to the purity and uniformity of the church established by law. Mr. Greenshields applied to the court of session for liberation, but was refused upon the ground of the first

argument, namely, that no minister ordained by an exanetorate, i. e. by a bishop deprived of authority, has true ordination.

<sup>46</sup> It was intitled, "An Act to prevent the disturbing those of the Episcopal Communion, in that Part of Great Britain called Scotland, in the Exercise of Religious Worship, and in the Use of the Liturgy of the Church of England; and for repealing an Act passed in the Parliament of Scotland 1695, against irregular Baptisms and Marriages."

<sup>47</sup> Annals Anne, p. 345. 362.

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greatly alarmed at the design of tolerating the English worship; and the commission of the general assembly represented their case to her majesty, and petitioned the house of lords for leave to state their objections to the bill<sup>47</sup>.

13th Feb.

The stress of the argument in this representation was laid upon the several acts<sup>48</sup>, establishing the presbyterian government, doctrine, and discipline, and the confirmation given to these by the act of security, which was incorporated with the treaty of union. It complained also of the injury that would arise to the establishment, by exempting dissenters from the censure and penalties of the ecclesiastical judicatories. It was further urged by the council for the commission, that this act would be productive of the most dangerous consequences to the protestant interest in general, because, under colour of the toleration granted to episcopalian ministers, popish priests might perform the Romish service with impunity<sup>49</sup>.

15th.

The effect of the bill, in circumscribing the power of the presbyterian church, will appear no valid objection to those, who, in a more enlightened age, are persuaded of the unsuitableness of such power for promoting the interests of true christianity. The second objection was obviated by an amendment, which restricted the toleration to such ministers as had received holy orders from the hands of a protestant bishop, and who had subscribed the oaths of allegiance and abjuration. The legal toleration of episcopacy in Scotland, though it restrained acts of violence, rather tended to inflame than to extinguish that spirit of rancour and persecution, which the presbyterians had too often indulged against the protestants who differed from them. The clergy, dreading the increasing progress of episcopacy, from the patronage of the court, and the

<sup>47</sup> Annals Anne, p. 330. Journals Lords, 12th February.

<sup>48</sup> See Acts of the Parliament of Scotland, 5th, 1690; 29th, 1693; 22d, 1695; 3d, 1702.

<sup>49</sup> Political State, vol. iii. p. 40. 101. This act certainly gave a mighty blow to the authority of the ecclesiastical judicatories, and

thereby diminished the personal consequence of its members. The nobility and gentry at that time stood in awe of the discipline and censures of the church, from which their adherence to another communion did not exempt them.

openness

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openness with which it was now professed in every part of the country, nourished the deluded zeal of their hearers, by declaiming against the heresies of that sect, and recommending the favourite peculiarities of their own establishment, rather than the simple and practical truths of the Gospel<sup>50</sup>. A more solid and pure ground of discontent arose from a clause in the act, which obliged the ministers of the established church to take the oath of abjuration. While their attachment to the protestant succession was unsuspected, they professed a conscientious scruple about submitting to an oath, which was superfluous, because the purpose of it was answered by the oath of allegiance; and which was insinuating and captious, because it referred to arguments extremely controvertible; and implied an approbation of certain acts of parliament inconsistent with presbyterian principles<sup>51</sup>. The greater number of the clergy at length took the oath,

<sup>50</sup> Sermons of the Times. Queries to the Scots Innovators. If any of the ministers conformed, in any point, to the example of the episcopalians, such as by repeating the Lord's prayer verbatim; or if they omitted to introduce, occasionally, protestations against the corruptions of prelacy, they fell under the suspicion of being concealed friends to its interest. From the fostering of these prejudices, sometimes conscientiously, and sometimes from a mean ambition for popularity, the lower ranks in Scotland hardly knew any distinction between prelacy and popery; and even many of better education considered the former as removed, but in a small degree, from the corruptions of the latter. Pamphlets and information by persons of respectable character who lived in the period referred to.

<sup>51</sup> The acts of parliament referred to obliged the successor to the crown to be of the communion of the church of England; and some of the ministers thought, that taking the oath implied an approbation of that communion. This act was the first of the parliament of Britain that affected the state of the clergy, and was considered as an ungracious omen of its future interference. The obeying it was

considered as a recognition of the authority of the English bishops, which was contrary to the principles of the presbyterians. The phrases of the oath were new and offensive; by *soul, conscience, faith*. The oath involved the takers of it in the intricate question about hereditary right. They had no scruple to acknowledge the sole and exclusive right of the protestant successor; but it could not be denied that, in the act of settlement, the parliament had respected blood and descent. Letter concerning the Oath of Abjuration. Edin. 1712.

The persons who now directed affairs were aware that many of the Scottish clergy would not take the oath, and urged the clause the more on that account, that it might prevent their censuring the officers of government for not executing the laws against the nonjuring clergy of the episcopalian communion. Memoirs of the Four Last Years, p. 226. 243.

The forbearance of the government with the ministers, who did not take the oath, was a great means of restraining their opposition to the law of patronage. Such of them as were dissatisfied with that law generally declined taking the oath, and were afraid that a farther opposition to the measures of government would

CHAP. XIX. 1712. oath, in compliance with the authority of government; but many stood out against it; and this gave rise to insidious distinctions among the clerical order, and probably would have occasioned a schism in the church, if the servants of government had not, with a prudent tenderness, abstained from the rigid execution of the law.

13th March, 22d May. Another act, which also passed in the course of this session, restoring to patrons their ancient right of presenting preachers to vacant churches in Scotland, was considered as a farther proof of the hostility of the present ministers to presbytery. The inveterate antipathy of the people in Scotland to the law of patronage became stronger, from an apprehension that the renewal of it arose from a deep concerted scheme to undermine the present establishment; for, as a great proportion of presentations belonged to the crown, and to landed gentlemen of the episcopalian persuasion, it was suspected, that both would prefer candidates secretly favourable to their own sentiments, which, in progress of time, would render a majority of the incumbents ripe for the adoption of episcopacy<sup>54</sup>. These suspicions were increased by her majesty's bestowing the rents of the late bishops' lands in North Britain, for the support of such of the episcopalian clergy as conformed to the government; and by an act repealing one of the Scottish parliament, which discharged the Yule vacance, or the observation of Christmas as a holiday<sup>55</sup>.

## Other

would expose them to the vengeance of the law. Bolton's Life. Information from respectable persons who lived in the period referred to.

The nonjuring ministers looked with an evil eye upon those who took the oath, and discontinued all official intercourse with them, which occasioned an overture to the next general assembly, to take away and discharge all distinctions on account of these oaths.

<sup>54</sup> A petition from the commission of the general assembly was presented to the lords against this act. It was at first addressed to the peers of Great Britain, without naming

the bishops; but this being informal, and offensive on account of its reflecting obliquely on the secular power of the bishops, it was withdrawn, and the designation of the *lords spiritual* inserted. Journals Lords, 9th, 11th, 12th April. The principal argument contained in the petition was plausible, namely, that the act 1690, which abolished presentations, had been ratified by the act securing the presbyterian government, and engrossed as an essential condition in the treaty of union.

<sup>55</sup> As a contempt of holidays was a distinguishing criterion of the Scottish presbyterians, this act gave great offence to the populace,

and

CHAP. XIX. 1712. Other reasons, assigned for the restoration of patronage, suggest a more candid construction of the motives of the ministry; and a sufficient ground for believing, that an alteration in the mode of settling vacant parishes, established by the act 1690, was highly expedient, to prevent disturbances and divisions among the supporters of the different candidates, which were injurious to the peace of the country, and the interests of religion<sup>56</sup>.

A bill was presented in the house of lords, in consequence of the royal recommendation, for settling the precedency of the princess Sophia, and the electoral prince of Hanover, which, in testimony of respect to that illustrious family, passed through both houses with the utmost dispatch. 17th Jan.

The repeal of the naturalization act, which had been prevented by the lords the preceding session, was now obtained<sup>57</sup>; and, while it was considered as a party triumph by the Tories, gave great satisfaction to the Jacobites, who believed, that the succession of the elector of Hanover depended, in a great measure, upon the importation of foreign troops, who, as the law formerly stood, would have been naturalized upon their arrival in England<sup>58</sup>. 9th Feb.

The house of commons, in compliance with her majesty's recommendation, entered into resolutions for restraining the licentiousness of the press; they imposed a heavy tax upon pamphlets, and required, under severe penalties, that none should be exposed to sale without the name and place of abode of the person for whom they were published<sup>59</sup>. 12th Feb. 21st April, 3d June. 12th.

## Bills

and was considered as expressive of the hostility of the ministers to the established religion of Scotland.

<sup>54</sup> Extract of a Letter from Edinburgh. Political State, vol. iii. p. 162. Minutes of the General Assembly.

<sup>55</sup> The French refugees had taken an active part in the Westminster election 1710, for general Stanhope, in opposition to Mr. Crofts, which provoked the resentment of the Tories.

Political State, vol. i. p. 17.

<sup>56</sup> Memorial of Sieur Lamb, April 1711. Stewart Papers. Macpherson.

<sup>57</sup> Statutes at Large, vol. iv. chap. 19. Articles 101. 112. 113. The licentiousness and personal abuse, which issued from the press since the change of the ministry, exceeded any former precedent. At the commencement of this session, the publications against the peace made such an impression upon



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Bills were brought into parliament in the course of this session, for limiting the number of persons in office in the house of commons; and for preventing fraudulent conveyances for the purpose of multiplying votes, and many irregular and corrupt proceedings in elections: but whether it was, that the ministers were not in earnest, or found that they were aiming at a pitch of reformation too refined for the times, none of these were brought to effect. Ostentation, but ineffectual attempts were likewise repeated for recalling king William's Irish grants; and a bill for this purpose passed in the house of commons, but it was rejected by the lords<sup>58</sup>.

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upon the public, that the ministers began to be afraid of the tide of popularity turning against them. On the 23d October, being the first day of the term, fourteen booksellers, printers, or publishers, who had been committed by warrants from the secretary of state for seditious pamphlets, appeared at the bar of the queen's bench.

The frauds and abuses of the servants of government, and the treachery of the allies, which were opened without any reserve or palliative in the course of this session, gave a new direction to the public sentiment, and again made the late ministers the objects of popular odium.

The present ministers derived great advantage from the superior abilities of the authors engaged in their service. Among these, the celebrated Dr. Swift was the most distinguished for precision in his statement of facts; perspicuity of language; acrimonious animadversion, and force of reasoning. His pamphlet upon the conduct of the allies was read by all ranks with the utmost avidity; and not only produced conviction, but excited a general indignation against the late ministers and the allies. It passed through seven editions; and eleven thousand copies were sold in less than a month. *Life of Swift*, p. 91.

The masterly pen of Mr. St. John, who composed all the public state papers, was also employed in the polemical publications on the side of the ministers; and conferred upon them

a dignity and interest seldom found in publications of that nature.

The humorous Dr. Arbuthnot, in the *History of John Bull*, defended the ministerial cause in a strain of ridicule obvious to every capacity; and which, though it may not be a fair test of truth, affords no despicable assistance, when employed on its side, by alluring and amusing the multitude of readers, who are incapable of investigating facts, and deducing conclusions from them. While he lampooned the allies without mercy, he gained the hearts of the English by concealed, but not less successful flattery, as if they could be cheated and deceived only from an excess of good-heartedness and generosity. Mr. Prior, Dr. Friend, Defoe, Abel Roper, Mr. Clements, Mr. Oldsworth, and Mrs. Manley, the author of the *Atlantis*, were all writers on the side of administration. Mr. St. John himself also wrote occasionally in the *Post Boy*, and the *Examiner*. The principal writers, on the other side, were Richard Steele, Bishop Kennet, Dr. Hare, Mr. Addison, Henley, Maynwaring, Oldmixon, and Ridpath.

<sup>58</sup> It was intitled, "A Bill for appointing Commissioners to examine into the Value of all Lands, and other Interests, granted by the Crown since 13th February 1688, and upon what Considerations they had been made." The ministers were not unfriendly to the bill, but the whole weight of the opposition was against it. It was believed, that the supporters

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19th March.

The supplies granted this session amounted to three millions, one hundred and thirty-four thousand, eight hundred and twenty-nine pounds, two shillings; of which sum five hundred and thirty-five thousand, three hundred and thirty-two pounds, one shilling, was to be applied to make good, for services of the navy, the like sum, which in the year commencing from Christmas 1711, was to be paid by the treasurer of the navy to the South Sea company, and two thousand five hundred pounds for building a church for the use of the English protestants at Rotterdam.

It was intimated to the emperor, that, agreeably to the proposal made by prince Eugene in his name, her majesty considered herself obliged to pay no more than one-third of four millions for carrying on the war in Spain<sup>59</sup>.

Since the opening of the congress at Utrecht, the opinions of the people had been in a constant fluctuation, with respect to the great affairs agitated in it, and their wishes had alternately inclined to peace or war<sup>60</sup>, according to the nature of circumstances which came within their knowledge. The discovery of the selfish and faithless conduct of the allies excited indignation, and promoted a general desire for peace. The insolent behaviour of the French king, and the extravagant terms insisted upon by his plenipotentiaries in the progress of the treaty, softened that indignation; and again reconciled them to the continuance of the war. The unaccountable inactivity of the duke of Ormond, after the opening of the campaign, was mortifying to those who recollected how much the pride of Englishmen had been gratified by the uninterrupted victories of his illustrious predecessor; and who were jealous of the fruits of this success being thrown away by a precipitate treaty with France. In conformity to these sentiments out of doors, a motion was made

28th May.

porters of the bill had no other intention than that of taxing the grants with about three years purchase, and establishing the grantees in the possession for ever, which would have been better for them than having their titles called in question from time to time. *History of the Four Last Years*, p. 238.

<sup>59</sup> *Journals Commons*, *passim*.<sup>60</sup> *Cunningham*, vol. ii. p. 413.

in both houses for addressing her majesty, to lay before them the orders she had sent her general; and to direct him to act offensively in conjunction with the allies; but, upon assurance from the ministers, that she intended, voluntarily, to communicate to them the state of the negotiations, and the conditions upon which peace might be obtained, the motion was negatived by a great majority<sup>61</sup>. In compliance with her promise, the fulfilment of which was impatiently expected, her majesty came to the house of lords, and stated to parliament those articles of peace which had been agreed upon between her and the French king, so far as related to the interest of England; and she promised her best endeavours for procuring satisfaction to her allies. An address of thanks to her majesty was voted in both houses; but the terms of peace mentioned by her, falling so much short of expectation, occasioned a general depression and discontent; and, if the parliament had continued to sit, must have afforded opposition new grounds for arraigning the measures of ministers<sup>62</sup>. The few remaining days of the session were dedicated to the censuring of such publications, as reflected upon the conduct of the latter, probably with a view to check that torrent of abuse which was about to be let loose against them upon the approaching vacation; and on the 21st June, her majesty, after a short speech, directed the lord keeper to adjourn the parliament<sup>63</sup>.

The proceedings of the convocation, during this session, were as little interesting as in that which preceded it. A motion was made in the lower house for censuring a sermon upon the remission of

<sup>61</sup> A protest by the lords who had supported this motion was printed and circulated with great industry; upon which it was expunged from the journals 13th June; and an address was presented to the queen, 14th June, praying that she would direct such methods as she thought proper for discovering and punishing the printer.

<sup>62</sup> Political State, vol. iii. p. 336.

<sup>63</sup> A preface to four sermons published by the bishop of St. Asaph, reflecting on the present administration of public affairs, was censured by the commons 10th June, and ordered to be burnt by the hands of the common hangman; and, the same day, the letter from the states-general to the queen being read, the commons made the resolutions mentioned.

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fins, published by Dr. Brett, which seemed to carry the pretensions of the English church upon that point, as far as those of Rome; but it was over-ruled by the high church party, which, without avowedly defending the sermon, discovered a strong inclination to admit every imaginable apology for the preacher and his doctrine. In the same spirit, the lower house declined to concur with the bishops, in admitting the validity of baptism, administered by protestant clergymen, who were not of their communion. The purpose of the bishops was to control that propensity for reviving obsolete and arrogant claims of ecclesiastical authority, which, since the triumph of the high church party in the affair of Sacheverel, began to spread among men of a violent spirit; and gave just alarm to the enlightened friends of religion and the church<sup>64</sup>.

After the rise of parliament, many addresses were presented to the queen, expressing an ardent desire for peace; and some of them even approving of those conditions which were most exceptionable and unpopular<sup>65</sup>.

During the continuance of the session, the ministers were under a constant dread of the current of popular opinion being turned against them; and even of violence being offered to their persons in consequence of the resentful machinations of the Whigs. The dismissal of the duke of Marlborough, it has been asserted, did not arise from imaginary apprehensions, or from a calculation of the probable effects of his weight in the scale of opposition, but from the clearest evidence of criminal designs against the government, which he was then pursuing in combination with the whig leaders, and the agents of the allies. It has been represented, that the whig junto, finding all open endeavours to obstruct the peace ineffectual, had, in concert with count Gallas, de Buys, and baron Bothmar, entered into a conspiracy to place the elector of Hanover immediately upon the throne; that to pave the way for this, he should be

<sup>64</sup> Political State, vol. iii. p. 104. 189.

<sup>65</sup> Id. vol. iii. p. 366.

placed

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placed at the head of the Imperial army; that the duke of Marlborough, if continued in the command of the English troops, should draw together two or three thousand men to the neighbourhood of the metropolis, and make himself master of the person of the queen, while an insurrection of the mob was to be encouraged upon the anniversary of the gunpowder plot, when it was intended to burn the effigies of the devil, the pope, and the pretender. This plan having been rendered abortive by the vigilance of the magistrates, a new insurrection was projected upon the queen's birthday, which afforded a less suspicious occasion for assembling the people. Another plan for the same purpose is also said to have been agitated. A few desperate persons, devoted to the Whigs, were instigated to begin mischief in the way of nocturnal frolic, to be gradually improved into sanguinary violence, and directed against the leading men in administration. Prince Eugene was invited to London for the purpose of abetting conspiracy; and, after his arrival, discovered an inclination to go beyond the violence of his friends. For he proposed to set fire to the metropolis in different places; and that in the midst of the confusion, the duke of Marlborough should appear at the head of a party in arms; possess himself of the tower, the bank, the exchequer; seize the person of the queen, dissolve the present parliament, and call a new one to inquire into the treachery of the ministers.

These several facts, though confidently asserted both by earlier and later historians<sup>66</sup>, are not supported with sufficient evidence to induce the belief of any person, disengaged from the influence of party prejudice. The apprehensions of the tory ministers, concerning the violent proceedings of their antagonists, before they were even supposed to exist, inclined them to put the worst construction upon the consultations and intrigues of the Whigs after they actually hap-

<sup>66</sup> Torcy, vol. ii. p. 205, passim. Annals p. 175. Post Boy, November 8th. Mac- Anne, p. 278. Political State, vol. iii. pherfon, vol. ii. p. 477.

pened;

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pened; and, upon frivolous proofs, to accuse them of the most atrocious designs. In every party, individuals are to be found, who are capable of conceiving and recommending the most desperate projects to forward their own ambitious views; and when such have transpired, it is too common to implicate, in their guilt, persons of more respectable character, with whom they have been politically connected<sup>67</sup>.

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<sup>67</sup> We are informed by Mefnager that the nobleman, who began the private conferences with him about the peace, expressly required, that the French king should bind himself by a secret article to assist the queen and her ministers, in case of any violence being offered to their persons by the instigation of her disaffected subjects. From a comparison of dates, it is evident that this conversation took place several months previous to the projected conspiracies mentioned by Torcy, Plunket &c. Mefnager, p. 166. Torcy, vol. ii. p. 205.

The evidence of these conspiracies rests entirely upon the testimony of de Torcy, of Plunket, who was the confidant of count Gallas, but afterwards employed as a spy by the ministers; and of some anonymous letters contained in Macpherfon's Collection of State Papers. Torcy, vol. ii. p. 205. 208. 221. 261. 272. Stuart Papers, 1712. Political State, vol. iv. p. 292. 329, &c.

De Torcy, and the correspondents of the court of St. Germain, derived all their information from the partial, inflamed accounts of ministers; and therefore the facts which they have transmitted may be questioned, though their personal integrity stands unimpeached. This observation is justified by the expressions of de Torcy, which indicate a distrust of the authority from which he received the facts he recites. "If we can depend upon the relations of some people who perhaps were misinformed," &c. Torcy, vol. ii. p. 273. "Again. The ministry received advices of real, or fictitious plots," &c. "These advices perhaps were groundless." Id. p. 277.

Among the number of persons instigated by resentment against the ministers, it is not surprising that projects, of a sanguinary nature, were proposed by some, which were generally abhorred and reprobated by the party. That this was actually the case, appears from the testimony of the historian already alluded to, who gives credit to the whig leaders for having disapproved of those schemes of violence which were suggested by some of their partisans. Torcy, vol. ii. p. 274.

The information of Plunket was derived from count Gallas, at that time forbidden the court, and inspired with the most violent resentment against the tory ministers. He spoke from passion; communicated to his friend, for such he believed him to be, his own wishes and schemes; and, probably, without warrant, represented his associates as accessory to them; or at least Plunket might do so, to acquire greater consequence and merit with his employers.

The ministers themselves seem to have distrusted the evidence against their antagonists, so far as it related to their having entered into criminal conspiracies, notwithstanding their pretending to believe it, and their taking measures for preventing them. The earl of Oxford, to whom Plunket revealed his discoveries, opposed his being examined by the privy council. Macpherfon, vol. ii. p. 483. What reason can we possibly assign for this conduct, when the subject was of such moment, but either his suspecting that his informer would not have adhered to his testimony, or that it was not deserving of credit?

As the ministers had no inclination, neither could

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The campaign 1712 was on the part of England a piece of studied diffimulation, dishonourable for the ministry, and insulting to the allies. The instructions given to the duke of Ormond, upon his departure to the continent, were, to communicate, to the states, the queen's resolution of pressing the war with all possible vigour; and to concert proper measures with the generals of the allies for entering upon action. He had no sooner done this, than he received other instructions, which amounted almost to a prohibition from fighting. Within a few posts after, the same orders were repeated with an extension of his command over all the troops in the British pay; and he was at length explicitly enjoined to take no part whatever in any siege or battle<sup>69</sup>.

It is impossible to conceive a situation more embarrassing and distressful to a man of honour and sensibility, than that in which the duke of Ormond was now placed. By his public commission, he was empowered to co-operate with the allies, and, by his private instructions, he was restrained from rendering them any effectual assistance. He was to employ every artifice and pretext to conceal, from prince Eugene, his resolution not to act, and at the same time to make intimation of it to the French general, that the latter might not infer any danger from hostile preparations on the part of Eng-

could they have a solid reason for concealing any thing that redounded to the discredit of their enemies. They were at the greatest pains to exaggerate the accounts of the Mohawks; one of the devices said to have been contrived for their destruction. But, notwithstanding of proclamations and premiums offered for discoveries, and examinations conducted with the eager desire of bringing them to effect, the story of the Mohawks remained so bare of evidence, that it never gave any alarm, or gained any credit, but among the ministerial partisans. The believing, or not believing, in their existence, was the criterion of a man's being a Whig or a Tory. Why should the tory ministers have laboured to pro-

pagate a story, to the dishonour of the Whigs, that had not the shadow of truth, if they had been possessed of facts, sustained by proofs, which would have overpowered all scepticism, and put their enemies to confusion? Political State, vol. iii. p. 175. Spectator, No 324. 347. Swift's Letters to Mrs. Johnson, 9th, 12th, 17th, 18th, 26th March 1712.

<sup>69</sup> Instructions to the Duke of Ormond, 12th April. Letters from Mr. St. John to the Duke, 25th April, 12th May, &c. After the dismissal of the duke of Marlborough, prince Eugene was appointed commander in chief of all the troops in the service of the United States.

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land<sup>70</sup>. This deceitful dealing could not long escape the penetration of the allied general. He was determined to put his colleague to the test, by proposing a joint attack upon the French camp. The suspicions of prince Eugene and the deputies were confirmed by the duke's declining to comply with this proposal, upon the pretext of waiting for letters from England; and by the palpable remissness of Villars; who used no precautions adequate to the apparent danger of his situation<sup>71</sup>. The prince and deputies now presented a memorial to the duke, complaining of his inactive, incomprehensible conduct, and peremptorily demanding the immediate service of all the troops in the joint pay of England and Holland. This demand the duke could not, with any shadow of justice, evade; but while he professed to comply with it, he took care to communicate to the French general such an explanation of his conduct, as might exculpate the ministers from the charge of any deviation from those amicable dispositions, which they had secretly announced to the French king<sup>72</sup>. All occasion for hypocrisy and disguise was at length superseded by orders from England, to proclaim a suspension of hostilities during the space of two months, to which the allies were invited to accede; while the duke was directed to march, with all the troops in the pay of England, to take possession of Dunkirk, as an earnest of approaching peace.

17th July.

<sup>69</sup> Letters from Mr. St. John, 25th May. Conduct of the Duke of Ormond, p. 11, 12. 14. 20, 21. 46. Lord Hardwicke says, that lord Bolingbroke assured a late great minister, that queen Anne herself, in council, proposed the restraining orders sent to the duke of Ormond; and lord Bolingbroke farther insinuated, that this advice had been suggested wholly by lord Oxford, and that he had this anecdote from the person to whom lord Bolingbroke told it. Hardwicke's Collection, vol. ii. p. 482.

Lord Oxford, in his answer to the 9th ar-

ticle of impeachment, agrees with the first part of this account; and insinuates, that the restraining orders flowed entirely from the motion of the queen. History of Impeachments, p. 287.

<sup>70</sup> History of the Four Last Years, p. 297. A few days only intervened between the issuing these contradictory orders; the former being dated 12th, and the latter 25th May, and 10th June. Examination of the Conduct of the Duke of Ormond. Lond. 1712.

<sup>71</sup> Histoire de Hollande. Tindal, vol. ix. p. 294.

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The Dutch and English foldiers were filled with indignation upon hearing these orders<sup>72</sup>. The mercenaries absolutely refused to obey the duke of Ormond; and some of the towns, belonging to the States, denied admittance to the English in the progress of their march. After expostulation and threats, the Dutch were at length prevailed upon to drop their opposition, and the duke, attended by the English and a small part of the foreign troops, pursued his march to Ghent and Bruges, from whence he sent a detachment to reinforce the British garrison already arrived at Dunkirk<sup>73</sup>.

In the mean while prince Eugene persevered in carrying on an offensive war, by sending detachments into Champagne to lay waste the country; and laid siege to Quefnoy, which surrendered to him 19th July<sup>74</sup>.

This was the sum and conclusion of the success of the allies. Marshal Villars began his career of prosperity with a victory over one of their largest detachments, under the command of the earl of Albemarle, which was encamped at Denain, for the purpose of keeping open the communication between the confederates employed in the siege of Landrecy, and their magazines at Marchiennes. About two thousand of the allies fell by the sword, or perished in the Schelde, and as many were made prisoners<sup>75</sup>.

This was a prelude to the rapid and uninterrupted success of the arms of France. The posts of Mortaign, St. Amand, fort Knoque

<sup>72</sup> Prince Eugene was followed by all the Danes, Prussians, Saxons, Hanoverians, and other auxiliaries in the British pay, except four squadrons of Vandernath, and a battalion of Berner, of the troops of Hollsten Gottorp, and baron Walef's regiment of dragoons. Tindal, vol. ix. p. 378.

Upon the duke of Ormond representing these circumstances, brigadier Hill was sent off with troops from England, 6th July, to take possession of Dunkirk. Political State, vol. iv. p. 23.

<sup>73</sup> London Gazette.

<sup>74</sup> Tindal, vol. ix. p. 363.

<sup>75</sup> Berwick, vol. ii. p. 141. The French general anticipated certain success upon the withdrawing of the British troops, not only on account of its weakening the force of his enemies, but because the many defeats the French had sustained in the course of the war had been principally ascribed to the skill of the British generals, and the courage of their men. History of the Four Last Years, p. 345.

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and Marchiennes, where the allies had one of their best furnished magazines, fell into the hands of the enemy. The army of prince Eugene was now cut off from provisions, and daily mouldering away by desertion, which obliged him to raise the siege of Landrecy. Douay, Quefnoy, Bouchain, Landau, and Friburg, were all retaken<sup>76</sup>.

Philip, having a near prospect of obtaining the whole kingdom of Spain by negotiation, was not inclined to prosecute active hostilities during this campaign. As the court of Portugal, at the commencement of the treaty of Utrecht, concurred with the emperor and the States to frustrate its success, a considerable force, under the command of the marquis de Bais, was sent to invest Campo Major, a strong fortified town on the frontier of Alentejo; but it was defended with such bravery, that the marquis found it necessary to raise the siege after having lost a great number of men. The object of the attack was however answered, and the court of Portugal, alarmed by the irruption of their enemies, when their means of defence were diminished by the departure of the English auxiliaries, sent instructions to their plenipotentiaries at Utrecht to agree to a suspension of arms after the example of England<sup>77</sup>.

In Italy the Imperialists took Porto Hercule. In Dauphiny and Savoy the armies did not come to an engagement. On the Upper Rhine, the Imperial general failed of his design to penetrate into Alsace.

The emperor, confiding in the accession of his strength from having made peace with his Hungarian subjects, had resolved to stand alone against the power of France; he was afterward convinced of his inferiority by the loss of Landau and Friburg, and listened to overtures of peace, which was concluded at Rastadt 6th May 1714<sup>78</sup>.

<sup>76</sup> Quincy.

<sup>77</sup> Political State, vol. iv. p. 274.

<sup>78</sup> Histoire de Louis, tom. vi. p. 552.

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*The Conferences opened at Utrecht—Interrupted—Privately carried on between the English and French Plenipotentiaries.—The States prevailed upon to renew the Conferences, which are again interrupted.—The Continuance of the War urged at the Assembly of the States General.—The French King insists upon the Restoration of Tournay, which is opposed by the English.—The Events of the Campaign induce the States to acquiesce in the Terms of Peace.—New Objections raised to it on the Part of France.—The Treaty signed by all the Confederate Ministers except the Emperor's.—Review of Circumstances unfavourable to the Allies at the Commencement, and during the Progress of the Treaty.—The Terms of it as affecting the Interests of the several confederate Powers considered.—Causes of the Delay of Peace with Spain.*

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THE conferences upon the treaty of peace were opened at Utrecht on the 12th January 1712; but no essential business was transacted till the arrival of the German ministers on the 29th of that month<sup>1</sup>. The Dutch plenipotentiaries then proposed to

<sup>1</sup> Political State, vol. iii. p. 78, &c. The plenipotentiaries for England, were Dr. Robinson, lord privy seal, the earl of Strafford, and Mr. Henry Watkins secretary. For the emperor, count Zinzendorf, the sieur Conbrück, and count Corfana. For France, the marshal d'Huxelles, the abbot de Polignac, and monsieur Mesnager. For king Philip, the duke d'Osuna, count Bergeick, and the marquis de Monteleon. Holland had two, and all the rest of the United States, one minister present at the congress. Ministers also attended, not only for all the other princes and states who had acceded to the alliance, but for the neutral powers, and for the French refugees. Eight ministers of the allies, namely, the two British, four of the States General, two of the duke of Savoy's, and the three French plenipotentiaries, were present at the first conference.

Mr. St. John had warmly recommended Mr. Prior to be joined in the commission with the

earl of Strafford and the lord privy seal; but the former threatened to lay down his commission rather than to be associated with a person who had been in a mean condition. Mr. Prior was the son of a joiner of a respectable character, but having lost his father while an infant, he was educated by an uncle, a vintner at Charing-cross, and hence the story of his having been originally a waiter in a tavern. Letter of Mr. St. John to the Queen, 20th Sept. 1711. Humphrey's Life of Prior. Mr. Prior notwithstanding was much consulted, as he had been employed several years before as secretary to an embassy in Holland, and had an intimate knowledge of affairs there. MSS. Characters, p. 214. He afterwards attended lord Bolingbroke to France, Sept. 1712, and was left by him to treat about such matters as were still unsettled, though he did not assume a public character till lord Shrewsbury's arrival. Prior's History, p. 364. Lond. 1740.

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begin with those points, which had been left unsettled when the negotiations broke up the preceding year at Gertruedenberg; but the French ministers absolutely rejected this, and delivered a specific explanation of the offers, upon which their master was willing to conclude a general peace. These differed so widely, not only from the plan insisted upon by the allies in 1709 and 1710, but from the voluntary concessions then made by France, that they were received with a marked dissatisfaction by all their ministers<sup>2</sup>. The imperial plenipotentiary immediately entered a protestation against them<sup>3</sup>; and upon their transpiring in England, the house of lords, in conformity to the general temper of the nation, presented the address mentioned 16th Feb. in the preceding chapter.

After various consultations among the confederate ministers, in which their mutual and separate interests were adjusted, it was at length agreed, that their respective demands should be stated in distinct memorials, to be presented at the next general meeting of the congress, on the 5th of March<sup>4</sup>. The French plenipotentiaries, in their turn, affected surprise at the extravagance of the terms specified by the allies, and declined any farther discussion till they had an opportunity of receiving new instructions from the courts of Paris and Madrid<sup>5</sup>.

After waiting for advice from thence till 30th March, the negotiations were resumed, when a new difficulty arose, which long retarded their progress. The Dutch and Imperial ambassadors insisted, that the demands and answers of the several parties should be committed to writing; and the French refused to comply till they received authority for that purpose from their constituents. Both contended for the advantages of the methods which they severally

<sup>2</sup> Instead of restoring the Spanish monarchy to the house of Austria, no positive engagement was offered for preventing the union of the French and Spanish monarchies; and Lille and Tournay were demanded for the demolition of Dunkirk. History of the Treaty, p. 232. Lond. 1713.

<sup>3</sup> Id.

<sup>4</sup> The emperor and the king of Portugal alone insisted upon surrendering the whole Spanish monarchy to the house of Austria.

<sup>5</sup> Political State, vol. iii. p. 185.

proposed;

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proposed; and neither yielding to the other, the conferences were discontinued for three months<sup>6</sup>.

The court of England was perhaps the only party concerned, that seriously regretted this pause in the negotiations. The emperor and the States were secretly pleased with every obstruction to a business which set out with such an untoward aspect for them, while it was precipitated by that party in England which they had laboured to displace. The emperor was determined to maintain his pretensions to the Spanish monarchy: the Dutch were dissatisfied with the repeal of the barrier treaty, and jealous of the commercial advantages which the court of England had secured by her complaisance to king Philip<sup>7</sup>. Nor was the French king, after he had once fixed the business of negotiation, at all desirous to hasten its conclusion. He was no stranger to the animosities subsisting among the allies, which, in proportion as the negotiation was protracted, were likely to divide them more and more, and enable him to obtain better terms than those previously held out by his agents to the British cabinet.

No sooner was the campaign opened, than the allies began to grow suspicious of the fidelity of England; but the influence of prince Eugene, who urged the prosecution of offensive war with the utmost confidence of success, the infirm health of the queen, and the approach of a new parliament, events propitious to the restoration of the Whigs, still cherished the hopes of the States, and confirmed

<sup>6</sup> History of the Treaty. The English plenipotentiaries were inclined to agree to the method proposed by the French, but were over-ruled by their colleagues. History of the Impeachments of the last Ministry. By the minutes of the protocol, to which the French ministers appealed, they were under no obligation to comply with this requisition.

<sup>7</sup> In order to induce the States to enter cordially into the treaty, her majesty was willing to resign the fifteen per cent. advantage

upon English goods, sent to the Spanish dominions, which the French king offered her in name of his grandson. History of the Four Last Years of the Queen. The States insisted upon having an equal share with England in the assiento trade, as the condition of their consenting to king Philip's retaining the Spanish monarchy. The Present Ministry justified. Somers, vol. ii. p. 88. Account of the several Treaties of Peace. Journals Com. 14th April 1714.

their

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their resolution to wait the issue of the campaign, rather than to close with offers so much inferior to those which they had formerly rejected<sup>8</sup>. The strange conduct of the duke of Ormond in first delaying, and afterwards refusing to co-operate with the allied arms, the surrender of Dunkirk, and the subsequent armistice, agreed to by England and France, gave occasion to expostulations and remonstrances, which still farther widened the breach between the confederates; and, by encouraging the insolence of the French king, retarded the progress of the treaty<sup>9</sup>.

Notwithstanding the aversion of the emperor and the States to peace, and their endeavours to thwart it, the negotiations were still carried on between the French and English ministers<sup>10</sup>. To prevent the union of the French and Spanish monarchies, to procure the kingdom of Sicily for the duke of Savoy, and a barrier for the States, were the principal articles under discussion at these detached conferences, which were held during the continuance of the campaign. Although the separation of the French and Spanish monarchies had been understood as a preliminary condition settled between the courts of France and England, antecedent to their inviting the allies to take a part in the negotiations, yet the French king now began to evade it, by raising objections which he pretended it was impossible for him to remove. He suggested, with an air of candour, that the ancient laws of France had provided against any restriction to the royal succession; and he wished the court of England to be aware that no deed of his own could be valid for that purpose<sup>11</sup>. The difficulty of bringing king Philip to acquiesce in a point, so intimately connected with the aggrandizement of his family, was farther insisted upon as an apology for the French king's

<sup>8</sup> History of the Four Last Years, p. 286—mercials treaty. Torcy, vol. ii. p. 294.

<sup>9</sup> Tindal, vol. ix. p. 296.

<sup>10</sup> To remove the offence to the allies, occasioned by this intercourse, it was given out, that these conferences referred merely to a com-

<sup>11</sup> Torcy, vol. ii. p. 286, 7, 8—292. The French court was so averse to the renunciation, that if the success at Denian had happened sooner, they probably would not have consented to it. Duclos, vol. i. p. 51—54.

hesitating



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hesitating about a stipulation, which the English ministers considered him as bound in honour to make good. They now found it necessary to assume a tone of firmness and decision, very different from that facility and complaisance which they had discovered in their early correspondence with the court of France". Maintaining the balance of power was the primary object of the grand alliance: if the danger, with which it was threatened, from the near but transient affinity between the sovereigns of France and Spain, had been deemed a justifiable ground for entering into the war, what had they not to fear from the permanent junction of these kingdoms under one supreme head; an event approaching almost to certainty, from that sudden desolation with which Providence had visited the family of the parent monarch". Under the awe of public responsibility, and after such shameful inconsistency on the part of France, neither the ministers nor the plenipotentiaries dared to proceed a single step in the treaty, or agree to the substitution of any alternative in the place of a reciprocal renunciation by the two monarchs, confirmed by every sanction necessary to render it effectual". Mr. Harley, the cousin of the treasurer, was sent to Utrecht, to intimate the inflexible resolution of the English cabinet to adhere to this demand; and the earl of Strafford was recalled till the purport of the French king's answer should be made known". At the same time, to remove every objection on the part of king Philip, the English ministers gave him his choice, either of renouncing for ever his rever- sionary right to the crown of France, and possessing the Spanish monarchy with the Indies; or of receiving in exchange for them the kingdoms of Sicily and Naples, the territories of the duke of Savoy, the duchies of Montferrat and Mantua, all of which, except Sicily,

" Letter from Mr. St. John to Torcy, 29th April.

" On the 14th April 1711, the dauphin died of the small-pox, leaving three sons, the duke of Burgundy, the king of Spain, and the duke of Berry. On the 18th of February 1712, the duke of Burgundy, then dauphin, also

died, and in a few days after his eldest son, so that his surviving son, an infant two years old, apparently weak and in a dying condition, and the duke of Berry, were the only intervening heirs between Philip and the crown of France.

" Prior's History, p. 362.

" Torcy, vol. ii. p. 286. 303—10.

were

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were to be annexed to the French monarchy, upon the event of its descending to his posterity. The two monarchs, being at length convinced that England was in earnest on this point, yielded to necessity; and gave satisfactory assurances of their readiness to enter into a formal renunciation of the contingent successions of the two crowns, after the other important articles of the treaty were settled".

The untractableness of the Dutch and the emperor, who were pushing the war with as much ardour as if the negotiations had never begun, rendered the queen more anxious to separate the duke of Savoy from the grand alliance. For this purpose, his interest, next to her own, was attended to; and insisted upon by her majesty's plenipotentiaries at each successive conference. It seems to have been her intention to surprise that prince, and to attach him to her, by the spontaneous and unexpected generosity of her demands". The kingdom of Sicily, and the succession to the Spanish

" Torcy, vol. ii. p. 296, 7.

" Id. p. 190. 284. 335—40. " Of all the allies there is none whose interest the queen has so much at heart as the duke of Savoy's." Letter from Mr. St. John to Torcy, October 1712. The gratitude of the duke, however, does not appear to have answered the expectation of the court of England. Torcy says, that the demand of Sicily in his behalf was made without his knowledge, and that he was much concerned when the earl of Peterborough gave him notice of it. He probably expected the Spanish monarchy to be immediately assigned to himself, otherwise he could not have been so anxious about having it taken from the duke of Anjou. " The duke does not rail at the treaty as others do, though the idle report that Spain and the Indies are to remain with the duke of Anjou are not agreeable to him, and would highly displease him, were they not highly improbable." Extract of a Letter from the Earl of Peterborough, Venice, 28th January 1712. MSS. The Whigs imputed the queen's zeal

for the duke of Savoy to her desire for her brother's succession. The duke was next lineal heir to the crown of Britain after the family of Stuart; the more, therefore, that his power was increased, he would be better enabled to maintain the right of the chevalier, which, in a reverfionary view, was his own. Cunningham, vol. ii. p. 411. History of Impeachments, &c. 56. The queen's partiality for the duke of Savoy was equalled by that of the French king for the elector of Bavaria. Torcy, vol. ii. p. 341—5. 354. Mr. Prior carried a letter from Lewis to the queen, 12th October 1712, representing the farther advances he was ready to make for facilitating the conclusion of peace, and beseeching her in return to interest herself for the elector, as the most pleasing acknowledgment of his friendship to her. The queen returned an answer by Mr. Prior, 14th November, in flattering terms; and said, that, from the instructions she had given to her ministers at Utrecht, it would appear, that she did all in her power to favour a prince whose interest was supported by his generosity. Prior's History.

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monarchy,



CHAP. XX. 1712. 4th July. monarchy, upon the failure of the Spanish branch of the house of Bourbon, were articles, in his behalf, which the English ministers urged with persevering importunity. Mr. St. John, lately created lord Bolingbroke, attended by Mr. Prior, was sent ambassador to Paris, with a principal view to promote the duke's interest; and to settle such points as were still disputed, respecting the particular demands of England; and, upon receiving satisfactory answers, he was empowered to agree to a cessation of hostilities<sup>18</sup>. The highest esteem and attachment were professed by the French court for the queen of England; and the ministers and nobility vied with each other in doing honour to her ambassador. Lord Bolingbroke had several private conferences with the king, and though the subject of them did not transpire, yet, as the suspension of arms between England and France was proclaimed before he left Paris, it was understood, that every obstruction to peace was removed, without regard to the consent of the rest of the allies<sup>19</sup>.

The States were greatly alarmed at this event, from the fear of its being productive of a peace disadvantageous to them. While under this impression they were urged, on the one hand, by the earl of Strafford and the bishop of Bristol to accede to the armistice, and on the other, by the emperor, to break up the negotiations and continue the war<sup>20</sup>.

They endeavoured to compromise the business, by such divided measures, as might prevent their being utterly separated from either

<sup>18</sup> Prior's History, 359. It was moved in the cabinet, that lord Bolingbroke should be empowered to agree to a separate peace with France, but lord Oxford opposed it. Torcy, vol. ii. p. 348.

<sup>19</sup> History of the Treaty, p. 422. Torcy, vol. ii. p. 356. Lord Bolingbroke was much flattered with the civilities he met with at Paris, and particularly from the king, who made him a present of a ring worth four thousand pounds. Political State, vol. iv. p. 103. Lewis, though far from being a

person of penetration, possessed in the highest degree the art of pleasing, which made a great impression upon all the ambassadors sent to his court. Buys, who had thrown out the most virulent reproaches against him, in the conferences 1709, 10, was afterwards sent by the States to Paris, and was so much captivated with the manners of Lewis, that he became one of his most passionate admirers. Duclos, tom. i. p. 56.

<sup>20</sup> Barré, tom. x. p. 680.

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of their allies. They still stood out against the cessation of hostilities; but they agreed to drop the objection, upon which the negotiations had been so long suspended, and to enter into verbal conferences with the French ministers<sup>21</sup>. These conferences, however, had not continued many days when they were again interrupted, by a ridiculous quarrel between the servants of Mons. Mefnager and the count de Rechteren, plenipotentiary for Over Iffel; and as the States had before broke off the negotiations because the French king had refused to comply with the method of treating proposed by them, so, in his turn, he demanded the most rigid terms of satisfaction, as the condition of permitting his ministers to continue any official intercourse with those of the States<sup>22</sup>. Neither were the latter seriously disappointed by this new interruption of the treaty, and they did not discover any anxiety to remove it, because they still cherished the hope of some change in the political state of England, or the success of the campaign, which might enable them to treat with independence and a greater respect to their own interest; while, on the other hand, the French king concluded, that every pause in the treaty would augment his influence in the British cabinet<sup>23</sup>.

At the opening of the assembly of the States, the pensionary Heinsius avowed the most fearful apprehensions concerning the insidious designs of the French king; he represented such a peace as was now in agitation to be utterly ruinous to their liberties; and recommended the most vigorous efforts for carrying on the war, in conjunction with the emperor and the German States<sup>24</sup>. While

<sup>21</sup> Torcy, vol. ii. p. 349.

<sup>22</sup> Tindal, vol. ix. p. 413. Rechteren was offended on account of Mefnager's servants having insulted himself and his attendants by laughing and offensive gestures, as he happened to pass Mefnager's door. The latter being dilatory in making any inquiry upon the subject, Rechteren advised his servants to avenge the affront, which they did by striking Mefnager's, the first time they met them on the street. Notice of this being sent to the

court of France, Mefnager was instructed to admit of no intercession or accommodation, unless Rechteren was dismissed by the States, and his conduct condemned by all the rest of the deputies, which was at length complied with, 18th January 1713, after the altercation had been carried on for above four months. Political State, vol. iv. p. 113, &c. Torcy, vol. ii. 360. 373.

<sup>23</sup> History of the Four Last Years, p. 347.

<sup>24</sup> Tindal, vol. ix. p. 414.

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this contradictory conduct provoked the court of England, the French plenipotentiaries perceived, as they imagined, a favourable opportunity for retracting those concessions in behalf of the Dutch, to which their master had agreed in compliment to the queen; and they not only made exceptions to the barrier, which she had engaged to procure for her allies, but insisted upon the restitution of Tournay, already in their possession<sup>25</sup>. The English ministers now found themselves under the necessity of making a stand upon a point, for which the honour of their sovereign was solemnly pledged; and from which she could not depart, without incurring the reproaches of her own subjects, as well as of the States<sup>26</sup>. They represented to the French king, that if he insisted upon the restitution of Tournay, the whole business of the treaty would be overset; and that they themselves, after having made so many stretches to serve him, must fall a sacrifice to the vengeance of their incensed fellow-subjects<sup>27</sup>. The ill state of his health, more perhaps than any sense of justice or gratitude to his friends, prevailed upon Lewis to yield to their importunity, and relinquish his claim to the restitution of Tournay<sup>28</sup>. They did not fail to make the most of their success, to hasten the conclusion of the treaty; and explicitly announced to the Dutch plenipotentiaries, that if they did not sign the peace within the space of three weeks, her majesty was determined to do it without them, and to abstain from all future interference in their concerns<sup>29</sup>.

20th Nov.

The events of the campaign, which have been already recited, had now wrought a mighty change upon the views and dispositions

<sup>25</sup> Torcy, vol. ii. p. 309.

<sup>26</sup> Bolingbroke's Letter to Prior, 10th September 1712. Oxford's Answer to the eleventh Article of Impeachment. History of the Impeachment, p. 292. The French king had promised not to insist upon restoring Tournay, and, upon the faith of this, the queen had assured the States of its remaining

with them at the peace; but he now insisted upon having it restored as an equivalent for the demolition of Dunkirk. Memorial delivered by the Abbé Gualtier, 18th November 1711. Torcy, vol. ii. passim.

<sup>27</sup> Bolingbroke's Letters to Prior.

<sup>28</sup> Torcy, vol. ii. p. 363-5.

<sup>29</sup> Tindal, vol. ix. p. 454.

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of the Dutch. The hopes held out to them by the emperor and prince Eugene had proved deceitful; they were on the eve of being consigned to the vengeance of their ambitious neighbour, without any hope of the interposition of that power which had repeatedly rescued them from destruction. The States of Utrecht accepted the propositions agreed to by the English plenipotentiaries, and the new barrier treaty, without any restriction; and in a few days all the rest of the provinces signified their consent, with some exceptions, which, however, were understood to depend entirely upon the good will of the queen of England<sup>30</sup>.

13th Dec.

The conclusion of the treaty seemed now to be just at hand, when new difficulties arose, which, coming from a quarter that was little expected, were the more mortifying to the English ministers, and upbraided their rashness and want of discernment. Engrossed by the single object of bringing the States to consent to the peace, they had relied implicitly on the honour of the French king; and neglected to require that precision of engagement, with respect to their own demands, which alone could guard them against the subtleties and cavils of a dishonourable treater. Lewis, finding that he had less to fear from the court of England than from any of the confederates, began to draw back from his promises to it, and to elude the verbal engagements of his ministers<sup>31</sup>.

<sup>30</sup> Tindal, vol. ix. p. 457. The States desired her majesty to interpose for the restoration of Strasburg to the emperor; for adding Condé to their barrier; and for settling their trade on the tariff 1664. But these demands were refused by France.

The king of Spain's renunciation of the crown of France was signed 5th November 1712, and confirmed by his oath in presence of the council of state, the chief nobility, and lord Lexington, the English ambassador. Political State, vol. iv. p. 267. The renunciation of the dukes of Berry and Orleans to the crown of Spain, together with the French king's letters patent confirming them, were

inserted in the registers of the parliament of Paris, 15th March 1713, in presence of the officers of state, the principal peers of France, the duke of Shrewsbury, and the duke d'Osuna, king Philip's ambassador. Idem, vol. v. p. 102.

<sup>31</sup> History of the Four Last Years, p. 357. "The French press us to conclude, that they may have others at their mercy; and at the same time they chicaned with us, about the most essential article of all our treaty, and endeavour to elude an agreement made, repeated, and confirmed." Letter from Lord Bolingbroke to Mr. Prior.

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The principal points, still in agitation, related to the colonial possessions of France and England in North America; and to the articles of a commercial treaty which was to take place after the peace<sup>32</sup>. The scene of business was now transferred from Utrecht to Paris, where the duke of Shrewsbury resided as ambassador; and acted in conformity to the instructions he received from lord Bolingbroke. The correspondence between the ambassador and the secretary exhibits a curious specimen of the chicane and treachery of the French court, and of the inconsistency and distraction of the English ministry. Amidst all the blustering and recrimination affected by the latter, we discern a progressive concession to the court of France; so that, in the result, she modelled every thing that remained undecided, agreeably to her own interest, without any tenderness for the tranquillity and honour of the English ministers, who had been so precipitately and fervently devoted to her service<sup>33</sup>.

After the disputes between the two courts were settled, new obstructions again arose, when the business was remitted to Utrecht. Treading in the footsteps of their master, the French plenipotentiaries became more arrogant and captious than they had been in any former stage of the treaty, and absolutely refused to comply with several articles, which the Dutch understood to be already granted; and, as they had been led to this persuasion by the assurance of the English plenipotentiaries in the name of the queen, the latter were now reduced to such a state of perplexity and distress,

<sup>32</sup> The French insisted for the right of fishing on the banks of Newfoundland; and that the duties payable in France by the subjects of Great Britain for goods imported and exported should be agreeable to the tariff 1664. Letters from Mr. Prior to the Earl of Oxford and Lord Bolingbroke. They also insisted upon having the island of Cape Breton, though understood to belong to Nova Scotia, which the queen had assured the parliament, 6th June 1712, was to be ceded to her. Com-

pare 13th Article of the Peace, and the History of Impeachments, p. 119.

<sup>33</sup> Letter from Mr. Prior to Lord Bolingbroke, January 1713. Prior's History, p. 381. Tindal, vol. ix. p. 465—83. While the negotiations were going on, advice arrived that a French fleet, under Mons. Cassart, was making depredations in the English sugar islands; an instance of treachery, which made the ministers ashamed of having confided so much in their new friend.

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as made it impossible for them to continue that confidential intercourse with the French ministers, with which the rest of the confederates had all along been justly offended<sup>34</sup>. In vain they remonstrated against the injustice and duplicity of the French; and complained of the shame and dishonour to which they were exposed from the reflections and upbraidings of the allies. In these they only participated with the members of the British cabinet, who had brought themselves into such a situation by their impetuosity and misplaced confidence, that there remained no alternative but their own disgrace, or the speedy consummation of the peace<sup>35</sup>. The faction at home, which had been averse to enter upon the treaty, lost credit with the people, who were well pleased to see it set on foot; but, from the many hindrances which it met with afterwards, and the long pause it sustained, when apparently brought near a conclusion, the hopes and the courage of its opposers revived; and they expected, in the approaching session, to render their antagonists unpopular, and to expose the disgrace and danger in which they had involved their country, by deserting her allies, and relying implicitly upon the faith of their common enemy. The friends of the ministers were disgusted and wearied with delays, the causes of which could not with propriety be disclosed; and, from the prolongation of the treaty beyond any former precedent, they began to doubt of their capacity for carrying it into effect. The members of parliament had been summoned to attend their duty at the beginning of the year, with assurance that every thing relative to the peace would then be finally concluded. While, by repeated short adjournments, they were detained in town, idle, insignificant, and excluded from:

<sup>34</sup> Tindal, vol. ix. p. 483. Swift to Mrs. Jonson, February 1713. "We could say a great deal to justify our cautious proceedings with the French, and are satisfied that your lordship will be of the same opinion if you were to see their way of negotiating with

"the allies; and how hard it is for us to obtain here, what, to your lordship, seems impossible the French should make any difficulty to grant." Letter from the Plenipotentiaries to Lord Bolingbroke, March 1713. <sup>35</sup> Swift to Mrs. Dingley, June.

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the secrets of government, their patience and confidence began to fail, and their ill-humour and resentment became a serious object of ministerial alarm<sup>37</sup>. The most positive orders were dispatched to the English plenipotentiaries to depart from every scruple and objection, and to sign the treaty without farther delay. On the 11th of April 1713, the treaty of Utrecht was accordingly signed, in name of their several constituents, by the ministers of England, France, Savoy, Portugal, Prussia, and the States-General<sup>38</sup>.

Before I proceed to a closer examination of the merits of this peace, it may be proper to mention peculiar circumstances of disadvantage which attended its commencement and progress, and portended an unfavourable conclusion for the allies.

1. From the facts already recited, it must occur to every attentive reader, that the English ministers entered upon the negotiations for peace with a precipitancy and openness, which rendered them too much dependent upon the court of France. In order to sustain consistency of sentiment, and to bend the inclinations of the people to their measures, they found themselves under the necessity of exposing, in the strongest colours, the exhausted state of the country, and the extreme difficulty of finding resources for the war. While they were in opposition, such representations were imputed to the slander of disappointed ambition; but when the same language was held after their advancement to power, it acquired that stamp of credit which revived the expiring arrogance of the French monarch, and inspired him with the hopes of obtaining more favourable terms of peace than he could have expected from the depression of his affairs. So sensible indeed was Lewis of the benefits which he derived, from the ground on which the new ministers began their course, that he changed his first purpose of sending agents to England; and foresaw, that, instead of being an humble supplicant to

<sup>37</sup> Tindal, vol. ix. p. 490. Swift's Letters, passim. Letter from Oxford to the Plenipotentiaries, 31st March.

<sup>38</sup> Appendix, N° XXXIII.

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that court, he would treat upon a more advantageous footing by receiving overtures from thence<sup>39</sup>.

After the French agent had arrived in England, upon the assurance of meeting with a welcome reception, the queen and her ministers not only betrayed a violent fondness for peace, but imprudently disclosed such intentions with respect to official arrangements, as delivered the French king from uneasy apprehensions about the continuance of the war. While the duke of Marlborough remained at the head of the army, neither the private inclinations of the queen, nor the complaisance of the cabinet to France, could arrest the progress of his victories, or mitigate the calamities of the vanquished enemy; but, when the ministers of England wantonly communicated their purpose of superseding that invincible general, the continuation of the war was no longer terrible to Lewis, and he became more difficult to treat with about terms of peace<sup>40</sup>.

2. From the ungarded communications which had escaped them at the very outset of the business, the English ministers found themselves so much entangled, that more enlarged confidence, and more fervile complaisance became necessary to ensure the success of the treaty, and to prevent the returning triumph and power of their rivals at home. The most flattering expressions of kindness were reciprocally exchanged between the two courts, by which the English ministers were unwarily seduced to impart secrets of the most delicate nature, and to exact, upon their own personal account, such private stipulations from the agents of France as could neither be

<sup>39</sup> Meisner, p. 66, 7. Meisner styles the present ministers the *French king's plenipotentiaries*. The Spanish ambassador desired sir William Wyndham to tell Dr. Swift, that his master and the king of France were more obliged to him than any man in Europe. Swift's Letters, vol. i. p. 168. Lond. 1767.

<sup>40</sup> Meisner, p. 171. 185. When the French king heard of the dismissal of the

duke of Marlborough, he added the following words with his own hand in the dispatches to his agents at the court of London. "The affair of displacing the duke of Marlborough will do all for us we desire." Meisner, p. 185, 6. See a Letter to the Elector of Bavaria from his Minister at Versailles, 18th October 1710.

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concealed nor fulfilled but by the event of a peace". They were made acquainted with the animosities which subsisted among parties in England, and the dangerous effects which the present rulers apprehended from the intrigues and resentment of their predecessors. The French king voluntarily entered into the most solemn engagements to interpose, for the protection of the queen and her servants, in case of any insurrection or violence, instigated by the Whigs and allies, to force her into measures contrary to her own inclinations, and to the pacific system which she was determined to observe during the residue of her days. In return, it was promised in name of the queen, that, if her endeavours for bringing the allies to a treaty should prove ineffectual, she was to withdraw all her troops from the confederacy, and make a separate peace". After such perverse association of interest with the French king, the ministers were in effect subjected to his power, and devoted to his service. Whatever alterations might occur in the course of the treaty, and whatever remonstrances they might find it expedient to make for supporting their pretensions to fidelity, yet the result of the negotiations was altogether in the hands of that crafty monarch. They had nothing but his personal honour interposed between themselves and consequences, more fatal than could arise from an inadequate and unpopular peace.

3. The jealousies and misunderstandings, subsisting among the members of the confederacy, gave great advantage to France; and,

<sup>41</sup> Letter from the French King to Queen Anne, April 28th, 1712. From the Queen to him, 14th November 1712. From Bolingbroke to Torcy. History of Impeachments, p. 21. 55. 57. Prior's Letter to Bolingbroke, 28th December 1712. Hardwick's Collection, vol. ii. p. 489. After the peace of Utrecht, queen Anne offered the garter to Lewis, which he declined, lest it should give offence to queen Mary. Duclos, tom. i. p. 63. The English ministers, during the de-

pendence of the treaty, not only gave leave to the merchants to sail into France, but dispatched secret orders, to sir John Leake in the Mediterranean, to permit French ships loaded with corn to pass into France unmolested. Even private persons in France made interest for the restitution of their ships which had been taken by the English fleet during the war. Cunningham, vol. ii. p. 416, 17.

<sup>42</sup> Meisner, p. 166, 7, 8. 202. History of Impeachments, p. 104.

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though England had not been fettered by premature engagements, must have proved no less injurious to her interest than to that of the allies, who did all they could to postpone and frustrate the treaty". We have had occasion to observe, from the facts mentioned in the preceding pages of this work, that the efficient exertions of combined states seldom amount to the computation, founded upon their respective resources. The causes of this disproportion invariably operate with greater effect, after the object of their union has been attained, and when the period of their separation approaches. By war the knot of fellowship is more closely drawn: during their joint prosecution of hostilities against the common foe, they have one simple and precise object in view, their own defence and his destruction. But as soon as they enter upon negotiations affecting their separate and permanent interests, jealousies and selfish considerations, which were dormant during the bustle of war and the incumbency of danger, awaken and disturb that mutual confidence, which alone can secure to them the fruits of victory and success. In this view, a single, self-united state must ever enjoy great advantage in conducting a treaty over a confederacy loosely compacted, moved by jarring interests, and distracted by internal suspicions. Sound policy, therefore, should suggest to confederate bodies, for their common interest, the importance of maintaining, at least, the appearance of amity and confidence in each other, while negotiations are depending. But the reverse was the case during every stage of the negotiations of which I have been giving an account. The present ministers in England, both before and after their accession to power, did every thing to forfeit the good opinion of the allies; and to provoke that distrust which retarded and embarrassed the treaty. Their chief arguments in opposition to the Whigs had arraigned the fidelity and honour of the allies; and after entering into office, they were so far from retracting their asperity, that they urged the breach of engagements

<sup>43</sup> Justification of the present Ministers. Somers, p. 288. Conduct of Oxford, p. 82.

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by the States, and the unfair advantages at which they were grasping, as the strongest motives for hastening the conclusion of the war. The consequences were just such as might have been expected. The allies, afraid to trust their interests in the hands of men who had calumniated them, became partisans of the displaced faction, and, with no less impolicy than officiousness, besieged her majesty, with entreaties and threatenings, to reinstate them in her service. From these circumstances, it was not likely that the ministers who instituted the negotiations, though they held the language of friendship towards the allies, could be seriously concerned about their interest; or consider it as an insurmountable obstacle to a peace upon which their own political existence depended<sup>44</sup>. The premature remonstrances of the Dutch against so much as entering upon the treaty; their refractory spirit during its progress, and strong suspicions of their tampering secretly with the French king, that they might wrest the negotiations out of the hands of the English, provoked the servants of the queen to break through all restraints of decorum; and to speak of this ally in terms of contempt and upbraiding, but too grateful to their common enemy<sup>45</sup>. They patronised declamatory publications, and did every thing in their power to turn the current of popular odium against the Dutch<sup>46</sup>. All the successive steps, in the course of the treaty, contributed to foment reciprocal animosity, till the suspension of arms between England and France, and the surrender of Dunkirk, brought the former to the verge of hostility with the rest of the allies<sup>47</sup>. The consequence was, that all of them were subjected to the mercy of their vanquished adversary, who exulted

<sup>44</sup> Torcy, vol. ii. p. 290. When the Dutch ministers began to resume the same language at Utrecht, that they had used at Gertrudenberg, the abbe Polignac replied, "Mesieurs, les circonstances sont changées, il faut changer le tone; nous traiterons chez vous, des vous, et sans vous." Duclos, vol. i. p. 47.

<sup>45</sup> Torcy, vol. ii. p. 124, 5. History of

the Four Last Years, p. 357.

<sup>46</sup> Political State, vol. iii. p. 359—363.

<sup>47</sup> "They were not backward, speaking of the English ministers, to acknowledge, that the having Dunkirk put into their hands was the more agreeable to them, as they knew it would be a sensible mortification to the States." Mesnager, p. 144.

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in their discords, and did not neglect to improve such an obvious advantage, by retracting and narrowing the concessions which he had already made; and modelling and adjusting, as he pleased, every point that remained unsettled and disputable.

4. The disagreement among the members of the English cabinet, though hitherto not so material as to divide its counsels, unquestionably degraded its authority, and depressed that high spirit and energy, which were necessary to bear down the characteristic insolence of the monarch with whom they were now treating. The jealousy and hatred, subsisting between the earl of Oxford and lord Bolingbroke, not only destroyed reciprocal confidence, but interrupted that easy and frequent intercourse, which would have contributed to the speedy adjustment of various points referred to their advice by their agents on the continent. The accomplishment of a peace was equally agreeable to the inclinations and interests of both, but their mutual jealousies restrained all freedom of speech, and made them afraid of hazarding any opinion or proposal, that might afford ground of crimination upon the probable dissolution of their political union<sup>48</sup>.

Nor were the subordinate and ostensible managers of the treaty endowed with talents adequate to the singular difficulty of the trust committed to them. Though lord Strafford had been long employed in the diplomatic line, his manners were reserved, unaccommodating, and ill calculated to gain the good opinion of foreign ministers, and sometimes exposed him to the insults of the Dutch populace<sup>49</sup>. The formality and slowness of the bishop of Bristol too

<sup>48</sup> Conduct of Oxford, p. 58. 65, 6. 82. When the twelve peers were created, Mr. St. John consented, upon the promise of being ennobled afterwards, to remain in the house of commons, where he had great sway, till the conclusion of the treaty. He expected an earldom, which had formerly been in one of the branches of his family; and was mortified when he found that his patent was only for a viscount's title. He was also displeased

because the vacant ribbon was not conferred upon him after his return from France. These disappointments he imputed to the envy and jealousy of lord Oxford, who represents the differences between him and Bolingbroke, as having originated at an earlier period, and from causes highly dishonourable to the latter. Oxford's Letter to the Queen.

<sup>49</sup> Tind. vol. ix. p. 415.

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much coincided with the procrastinating, disputatious temper of the States. Neither were the two British plenipotentiaries united to each other by that mutual esteem and confidence, which, in their delicate situation, were equally necessary for maintaining their personal dignity, and for giving authority and firmness to their resolutions<sup>50</sup>. I now pass from general observations, to a particular survey of the treaty.

In order to estimate, with precision, the merits of the peace of Utrecht, and to appreciate the measure of praise or censure due to those who conducted it, we ought to compare it with the objects for which the allies entered into the war; and the success which attended their arms. Did the terms or advantages, obtained by the allies, correspond with the objects for which the war was undertaken? Were they adequate to the success with which it was attended?

With respect to the last of these questions, the answer is so obvious, as to supersede all argument or discussion. The terms of the peace, procured for the allies in general, were not in proportion to the extent of their success, and particularly for Britain, which principally contributed to it by the immense waste of her treasure and blood, and by the unmatched talents of her general. Examples of profitable war, or of its placing the conquerors in a better condition than they would have been, had they never engaged in it, are perhaps fewer than have been generally supposed. When the interests of virtue and humanity are taken into account, the number of such examples would be still more contracted than upon a calculation, conducted solely with a respect to political advantage. Setting aside all moral considerations, sound and liberal policy will always restrain intemperance of demand; and even suggest the expediency of sacrificing valuable acquisitions, which have been obtained by the prosecution of righteous war, when they manifestly endanger the future

<sup>50</sup> Swift's Journal, 15th Feb. 1711.

security

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security and independence of the victorious nation. To apply this remark to the case under our survey. Though the confederates had reason to expect better terms than those which were obtained by the treaty of Utrecht, yet it is not easy to form the conception of a scheme of peace, approaching to what may be defined an adequate or just compensation, that would have contributed to the solid and permanent advantage of all concerned, or that would not have overset the balance of power, and consequently counteracted the design for which the war was undertaken. The proof of this observation will appear from the investigation of the other question, namely, whether, and how far, were the terms of the peace answerable to the object of the confederacy? In general, it may be answered, that they were not so deficient and exceptionable, as might have been expected from the unfavourable circumstances attending the negotiation, and certainly not to that degree which has been asserted by the enemies of the tory administration, and the greatest number of contemporary authors.

If there was any purpose of the war which might be denoted primary and supreme, or any single point or maxim in which the views of all the confederates centered, it was to obtain a just and reasonable satisfaction to the house of Austria, in relation to the Spanish succession; and what necessarily coincided with this, to circumscribe and weaken the power of the French monarchy. That satisfaction, not having been defined in the articles of the grand alliance, must be collected from the probable motives of the contracting parties, and their open and declared sentiments. As the breach of faith, committed by Lewis, in departing from the second partition treaty, and retracting his renunciation of the Spanish monarchy, in name of his family, or his acceptance of the will of king Charles, in behalf of his grandson, was the moving cause of the grand alliance, so it may be fairly inferred, that to bring him back to his former engagements, was its ultimate object. Had he proposed to abide by the partition treaty, upon intimation of the resolutions formed by the confederates,

CHAP. rates, we have no reason to doubt of their having been satisfied with  
XX. the proposal, as amounting to an adequate satisfaction to the house  
1713. of Austria". Such were the views of the confederates before they entered upon hostilities. In proportion to their success in the course of the war, their prospect of advantage expanded, and a more enlarged interpretation of the satisfaction to be given to the house of Austria was adopted, not only by that family and their continental friends, but also by England, though she had least at stake in the depending contest. The whig ministers obtained the sanction of parliament for rejecting a peace, upon any terms, exclusive of the restoration of the entire Spanish monarchy to the heirs of the emperor Leopold. Supposing that no alteration in foreign politics had taken place during the war, or intervention between the framing of the grand alliance and the commencement of the negotiations for peace, even in that case, none of the contracting parties could have been authorized to stretch their demands upon the rest, or to exact a surplus of engagement, in consequence of resolutions formed within the interior councils of any separate power. The state which made such resolutions might recall and cancel them at pleasure, because, upon every fair and established principle of jurisprudence, the consent of others cannot be necessary to abrogate any law, or to retract any measure, to which it had not originally contributed. The restoration of the entire Spanish monarchy to the house of Austria was an excess of demand, which, not being expressed in the original articles of the grand alliance, could not be binding upon England

"The States, in the conferences at the Hague 1701, when the confederacy was formed, asserted, that though they had acknowledged Philip as king of Spain, yet such an acknowledgment was not contrary to the demand of a reasonable satisfaction to the emperor, for his pretensions to the Spanish succession; which was, in effect, to declare, that the satisfaction demanded was not incompatible with Philip's retaining the possession of the Spanish monarchy. History of Impeachments, p. 267.

By the 21st article of the alliance with Portugal, it was agreed, that no peace should be concluded, while any prince of French extraction continued on the throne of Spain. The Portuguese ministers, therefore, at the beginning of the treaty of Utrecht, demanded the resignation of king Philip; but they afterwards departed from it, and it was even suspected that they were privately treating with Lewis upon this very basis, namely, that his son should sit on the throne of Spain.

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from the requisition of any foreign power. It was, however, competent for parties at home to recommend, to the existing ministers, a due respect for the decrees of the legislature, and especially if the circumstances on which they were founded had remained unaltered; but, by the recent changes in the political state of Europe at the time to which I allude, the transfer of the Spanish monarchy to the house of Austria became incompatible with the spirit and design of the grand alliance.

King Charles had not only succeeded to the kingdom of Hungary, and all the hereditary dominions of the house of Austria, but was elected to the Imperial crown, upon the death of his brother Joseph; and he wanted only the addition of the Spanish monarchy, to have raised him to an exuberance of power, equal to that of his ancestor Charles V. Had he obtained it, the balance of power, which had been the capital object of the wars and treaties in Europe during the two preceding centuries, would have been destroyed. The only prince, who could have counterpoised such a vast accumulation of empire, was exhausted by a long and unprosperous war: to maintain the political balance of Europe, by circumscribing his expanding dominion, was the leading principle of the grand alliance, to

"The confederacy was formed to secure posterity from the exorbitant incroachment of any power. The French greatness was its immediate object; but the future safety of Europe its main end. This seems to have been the fundamental maxim which regulated the political conduct of king William, and to which he adhered in all the treaties and wars in which he engaged. While the treaty of Nimeguen was depending, the prince of Orange said to sir William Temple, that if the emperor endeavoured to push the French beyond the treaty of the Pyrennees, he should, from that time, become a Frenchman as much as he was then a Spaniard. Temple's Memoirs, p. 82. By the first partition treaty, the two sons of Leopold, Joseph and Charles, were passed over, and the dominions of Spain were assigned to the electoral prince of Bavaria, their eldest sister's son, that too great a proportion of power might not fall into the hands of the Imperial family. It is affirmed, by the author of the felonious treaty, De Foe, that the reason for king William's acknowledging the duke of Anjou king of Spain was the emperor's beginning the war in his own name and right, making no declaration of his intention of giving the crown of Spain to a younger branch of his house, and king William thought it more reasonable to consign it to the duke of Anjou than to the emperor. Felonious Treaty, London 1711, p. 33. For these reasons it was no longer possible to keep the grand alliance united on the principle of recovering the Spanish monarchy for the house of Austria. Vindication of the present Ministry, London 1711.

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which all the specific conditions, comprised in it, were adapted, as far as the wisdom of its framers could extend. The validity of such conditions therefore, according to the spirit of the treaty, subsisted only as long as the fulfilment of them could contribute to that end; but when, from a change in the state of Europe surpassing the ordinary latitude of contingency, they tended to contravene the design for which they were framed, and to throw so much additional weight into the scale which already preponderated, could the justice and propriety of adhering to them be seriously contended for, by the candid and discerning politician?

There is not, perhaps, in the record of ages, a more striking example of the blindness and fatality of human policy, than that under consideration. A confederacy is formed for adjusting the political balance of Europe, agreeably to a specific plan, concerted and approved by the aggregate wisdom of various states; that plan is prosecuted at the expence of not less than a million of lives, and of incalculable, attendant calamities. The desire of the belligerent confederates is at length on the point of accomplishment, their object is just brought within reach, when behold, its complexion is changed: it appears pregnant with the very mischiefs which it was intended to prevent; and the attainment of it would be ruin certain, and irretrievable. Thus, frustrating, by events unforeseen and unexpected, plans of policy, formed upon the most specious grounds of wisdom, and perhaps of justice, providence admonishes the rulers of nations to lay a greater stress, than they are inclined to do in the moment of resentment and alarm, upon those casual events, which may change the nature and quality of the objects pursued; and upon the intervening means by which they must necessarily be acquired.

7th Sept.  
1701.

It was objected to Britain, that she had violated the eighth article of the grand alliance, by entering into a treaty with France, without the participation and consent of the other confederates<sup>54</sup>. With re-

<sup>54</sup> After the commencement of the war, peace without the advice and participation of none of the allies shall be permitted to treat of the rest.

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spect to this charge, it certainly does not bear upon the tory ministers to the extent insinuated by their accusers, nor were they so absolutely and entirely free from it, as has been contended for by their friends. We never can suppose it to have been the intention of the treaty, to debar any one of the parties from receiving or listening to overtures for peace; but only from proceeding or concluding upon them, without the participation of all the rest. The States and the duke of Savoy had received overtures from the French king, during the course of the war, and the former had deliberated upon the proposals made by monsieur Pettecum, long before the rest of the allies were taken into concert. It did not appear that England had done more; she had transmitted to her allies the preliminary articles offered to her, with the strongest assurances that she would not conclude a peace without their approbation. At the same time, she undoubtedly had taken clandestine steps for her own particular advantage, and afterwards, in the progress of the treaty, discovered an indifference in some instances to the interest of the allies, which left them almost no alternative but accepting of the terms agreed upon between the French and English courts. In the first instance, she acted as they probably would have done in the like situation; in the second, she was harsh and unkind; and gave just occasion to that umbrage which clogged the progress of the treaty, and ultimately circumscribed the benefits of it, both to herself and her allies.

But neither does it appear that the interests of the allies were so much neglected, as has been asserted, when we consider their several motives for entering into the war. The offence or provocation, affecting the Dutch particularly, was the French king's seizing the strong towns in Flanders, which served as a barrier to them. By the treaty of Utrecht, he was bound to deliver up to them, in behalf of the house of Austria, all the places which he had taken in the Spanish Netherlands, formerly belonging to his Catholic majesty Charles II. Luxemburg, Namur, and Charleroy, were to be garrisoned by the troops of the States, maintained at the expence of these towns.

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The king of Prussia certainly was a gainer, by the annexation of the upper quarter of Guelderland to his dominions, upon renouncing, to France, the principality of Orange, and his claim to king William's lands in Burgundy.

The Portuguese obtained a recognition and confirmation of all their claims in South America.

To the duke of Savoy, by the intercession of England alone, the peace was eminently beneficial; and laid the foundation of his soon rising to a more important station in the political scale of Europe. He was made king of Sicily, and placed next in succession to the Spanish monarchy.

For herself, Great Britain obtained the acknowledgment of the protestant settlement, and the obligations of the French king, for himself and his successors, never to disturb it. The ministers boasted of the demolition of Dunkirk, which ought to be reckoned a brilliant and fugitive, rather than a solid and permanent advantage. In America, Hudson's Bay was restored, and full reparation made for all the damage the English colonies had sustained, by the hostile incursions of the French during the war; the island of St. Christopher's was consigned to the possession of British subjects alone. Nova Scotia with all its dependencies was ceded, and also the island of Newfoundland, with the reservation of a right for the French of fishing there, and drying their fish during a certain limited season.

By the peace with Spain, the protestant settlement was acknowledged; Gibraltar and Minorca were added to the dominions of Britain; and the Asiento trade, or the contract for furnishing the Spanish colonies with negroes, was secured to her for the term of thirty years, in the same manner as it had been enjoyed by the French<sup>55</sup>.

<sup>55</sup> Great profits were expected to arise from the Asiento contract, which however did not happen, as it appears that immediately after this treaty the British African trade declined, and did not, till the year 1730, arise to the extent, to which it had attained in the year 1701. Edwards's History of the West Indies, vol. ii. p. 192.

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The reciprocal renunciations of the French and Spanish monarchies were inserted in all the treaties, and considered as an article equally essential to the security and independence of all the confederate powers<sup>56</sup>.

Upon the whole, after a near survey of the articles and merits of the peace of Utrecht, it appears to have been deficient and censurable, from its disproportion to the success of the war, more than from its having fallen short of the ends of the grand alliance.

<sup>56</sup> The peace between England, the States, and Spain, was not signed till 13th July 1713, but it went hand in hand with that between France and England, and was entirely managed by their agents. The formal conclusion of it was postponed, first, by the States refusing passports to the Spanish ministers till April 1713, under pretext of its being injurious to the emperor, who had the best right to the Spanish monarchy; and afterwards, by the attachment of king Philip to the prince of Ursini, whose ambition and intrigues have rendered her name famous in the annals of Spain. King Philip insisted upon putting her in possession of an independent principality in the Low Countries, the sovereignty of which was to be ceded by him to the emperor; and that the States should engage by the treaty of peace to maintain her right to it. The emperor at first opposed it, and the Dutch refused the engagement required from them, because the French king had promised, when they signed the treaty with him, that his grandson should make peace with them, upon the terms already settled, among which, the guarantee of the principality to the prince of Ursini had never been mentioned. Berwick's Memoirs, vol. ii. p. 152. Torcy, vol. ii. p. 301. Duclos, tom. i. p. 64. St. Simon, tom. ii. p. 41. 46, &c.

Though the great object of the Spanish council in supporting the duke of Anjou's claim, was to prevent the dismemberment of their empire, yet that object was disappointed, and Spain was the only power that sustained a diminution of her territorial possessions; for, excepting Newfoundland, whatever the confederates acquired was taken from her. Ypres, Menin, Fournes, and their dependencies, were taken from Spain, and added to the Austrian Netherlands. Even the French king had not the generosity of abstaining from a share of the spoil, and carried off a large proportion of her property in Flanders.

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*Meeting of Parliament.—Queen's Speech, &c.—Supplies.—Acts.—Substance of the Reports of the Commissioners of Accounts.—Bills for confirming the commercial Treaty.—Petitions against it.—It is rejected.—The Malt-tax extended to Scotland.—The Scottish Members exasperated,—make a Motion for dissolving the Union.—Arguments and Observations.—The Motion rejected.—Addresses relative to the Pretender.—Application from the Queen for relieving the Debts on the Civil List—granted.—Proceedings of the Convocation.—The Queen's Speech at the Prorogation of Parliament.—Character of this Parliament.*

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ANOTHER session of parliament, after several adjournments, was opened by the queen in person, on the 9th of April. She said, that, from the assurances they had given her last session, she had been enabled to overcome all obstructions to a general peace; and was happy to announce its accomplishment. She observed, that the great length of the negotiations had afforded the allies sufficient opportunity for adjusting their several interests; that what she had done for the protestant succession, and the perfect friendship subsisting between her and the house of Hanover, might convince all who wished well to both, how impossible it was to divide them. She recommended to their care the brave men who had served during the war; the providing of such supplies as they judged requisite; and the improving of the trade and manufactures of the country. She complained of the abuse of the press, and suggested the expediency of a new law for stopping its progress; she conjured them to use their utmost endeavours for calming the minds of the people, that the arts of peace might be cultivated; and no groundless jealousies, fomented by party rage, might affect that which foreign enemies could not do.

Upon the motion for an address of thanks in the house of lords, an objection was made to her majesty's expression of a *general peace*,

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as the emperor and some of the German states had not been comprehended in it; but this was overruled by a great majority, as was also a proposal requesting, that the treaties of peace and commerce might be laid before the house. The lords, though they avoided any explicit dissent from her majesty's sentiments, did not enter into a specific approbation of the peace, farther than related to its securing the protestant succession.

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The address of the commons contained a flattering recapitulation of the royal speech, expressing their entire satisfaction with the peace, and their admiration of her majesty's steadiness, notwithstanding the many difficulties contrived to obstruct it. The example of the commons was followed by addresses from all the principal corporations in Britain, some of which, by praising the peace without reserve, exposed the subscribers to the charge of inconsistency, when they afterwards came to parliament with petitions against the commercial treaty.

The commons more cheerfully voted the supplies, because considerable retrenchments had already been made in the public expences by a reduction of the army and navy. Bills were unanimously carried through both houses, for granting to all the disbanded privates the liberty of pursuing their several trades within all the towns and corporations in Britain; and for providing half pay for all the officers. The land-tax was lowered two shillings in the pound. The ministers shewed great exactness and punctuality in the production of all the estimates, receipts, and disbursements, from the period of their coming into power; and their reputation was promoted by the contrast between their conduct and that of their predecessors, which was now exhibited to the public eye by two separate reports from the commissioners of accounts, complaining of notorious abuses in the former management of the revenue. Immense sums had been lost to the nation, by extravagant and un-

10th, 17th,  
20th.  
24th April.  
2d May.

23d April.

\* Her majesty afterwards did this without solicitation.

just

CHAP. XXI. 1713. just charges upon false musters, both of the British and foreign troops in the pay of England; in which cases, the agents of government had sometimes been guilty of conscious injustice, and sometimes of criminal remissness, in not examining vouchers and certificates from persons who had an interest in imposing upon them. Exorbitant profits had been made on the remittances for the army; and by the long detention of the sums issued by the treasury for that purpose. Many frauds in the victualling and navy offices, which had been alluded to in the former reports, were now particularized and corroborated.

The facts, which were established, relative to the management of foreign hospitals, brought to light examples of the most base and atrocious iniquity. In some instances, not a fifth or seventh part of the sums charged to government had been applied for the miserable objects of its destination; and, from the scantiness and unwholesome nature of provisions, and the want of bedding and cloathing, an uncommon mortality had repeatedly consumed the reinforcements sent to Spain. Many had been admitted into the hospitals at home who were not qualified according to the description of the founders; and the pensioners were defrauded, both in the quantity and quality of their provisions, by the avarice of the contractors.

Two instances were specified of public offices having been promised for a sum of money to the persons who undertook to solicit and procure them from the court; and one of the charges was clearly brought home to a nobleman, who had distinguished himself by his zeal in the cause of the Whigs. Mr. Hutchinson declared upon oath, that he had promised and paid the earl of Wharton a thousand pounds, for procuring his appointment to be register of seizures, through the influence of the earl of Godolphin. The house of commons, on considering this clause of the report, resolved that the earl of Wharton had been guilty of scandalous corruption; but found themselves restrained from any further procedure in the business

business by the act of indemnity, which had taken place posterior to the date of his offence.<sup>2</sup> CHAP. XXI. 1713.

In judging of the various charges now described, we ought to advert to those circumstances, which, though they do not exculpate the persons accused, certainly tend to diminish the high aggravations imputed to them; and to restrain that indiscriminate condemnation of the late ministers, which was intended by the framers of the report. The chief members of the present administration were actuated by a keen resentment against their predecessors; and, at the same time, being impressed with the apprehension of censure impending over their own heads on account of the peace, became the more anxious to fix the public attention upon the obliquities of others. Furnished with copious materials of information, no slip of conduct escaped their inquisitorial eye, while, in transactions of so wide a compass and of so complicated a nature, examples of gross abuse and mismanagement certainly occurred, and were painted in the deepest colours of guilt.<sup>3</sup> Of these, some, committed by agents in the foreign service, probably did not come under the knowledge of the ministers at home; and others, upon discovery, had been punished by the dismissal and disgrace of the offenders. Several irregularities in the management of the revenue had been condemned and abolished by the late treasurer.<sup>4</sup> In a few instances, unlawful and pernicious indulgences, established by ancient and uninterrupted usage, were uncandidly stated in crimination of the late cabinet, as if it had first introduced them. But, after admitting every apology suggested by these observations, there still remain so many well-attested instances

<sup>2</sup> Journals of the Commons, 10th May. A contemporary historian makes the following observation on this resolution: "In this censure ended the storm, which, for some time, had threatened that great patriot, who looked down with contempt on the impotent malice of his enemies." Political State, vol. v. p. 325.

<sup>3</sup> General Stanhope's Answers to the Com-

missioners sent to Spain. Political State, vol. vii. p. 270.

<sup>4</sup> The practice of mustering the troops complete, and issuing proportional pay while they were notoriously defective, was authorized by the generals, who pretended to disburse the surplus money in recruiting the army. Lord Godolphin disapproved of it; but was overruled by his colleagues.



CHAP. of fraud and defalcation, as must impress the reader with full conviction of the guilt of subordinate agents, and the criminal connivance or negligence of some of the late ministers. This is a portion of history which ought not to be suppressed, because it contains the most profitable instruction to members of the legislature; by admonishing them not to repose an implicit confidence in any set of leaders, notwithstanding the most specious pretensions, and the general propriety of their measures. Abuses never could have advanced to such a pitch, if the representatives of the nation had not, as well as their constituents, been dazzled with external exploits, and diverted from that vigilance and scrutiny, which are necessary to counterpoise the strong temptations to corruption, encompassing the seat of power.

The persons now in authority found it more easy to impeach the conduct of their predecessors, than to secure the approbation of those measures in which their own interest and character were involved. With a precaution which they did not always observe, and perhaps from a foresight of the strong objections to which the eighth and ninth articles of the commercial treaty were liable, they had agreed to them only upon the condition of their receiving the sanction of parliament'. By these articles, the subjects of Great Britain and France were reciprocally to enjoy, in all the countries belonging to these respective kingdoms, the same commercial privileges with the most favoured nations; and all duties and imposts were to be regulated according to the tariff established in 1664, with the exception of such goods as should be specified and agreed to by commissioners of both kingdoms, who were to meet for that purpose, as well as for removing other obstructions to the treaty. A motion was made in the house of commons for bringing in a bill to render effectual the

<sup>s</sup> It was the opinion of lord Oxford, that these articles, relative to the taking off the duties on imported goods, could not be finally settled without referring them to the parliament, by whom the several duties had been imposed and appropriated. His remaining neutral, when the subject was agitated in parliament, gave offence to his colleagues. Conduct of Oxford, p. 88, 89.

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eighth and ninth articles of the commercial treaty, which, after a warm debate, was carried by a great majority.

It was urged by its opposers, that former experience attested the pernicious effects of a free trade with France; that England had lost near a million yearly, while such a trade subsisted during the reign of Charles the Second, which induced the parliament, after the revolution, to impose such heavy duties as nearly amounted to a prohibition of many articles imported from thence; that the French wines, paying no higher impost than those of Portugal, and being brought to England at half the expence for freight, would entirely supplant the latter, and destroy the lucrative trade of Britain with that kingdom; that silk, linen, and paper, in consequence of the lower wages in France, would be sold cheaper than the same manufactures in England, to the ruin of many thousand families who subsisted by them.

On the other side, the advocates for the motion argued in a liberal spirit, that all restrictions upon trade were not less repugnant to the interests of communities than they were to the principles of justice and benevolence; that the reciprocal and free communication of local benefits must, in the result, promote the extensive and permanent prosperity of all who contributed to it; they denied the effect of the treaty in obstructing the trade with Portugal, and contended, that the demands of France for woollen goods, the staple of Britain, in case of the confirmation of the treaty, would put an end to the attempts of her foreign rivals, and increase the number and profit of her manufactures.

Few questions, agitated in parliament during this reign, interested the public attention more than the subject of this bill. A general alarm was excited, as if the very being of the nation had depended solely upon the issue of it. There was hardly a trading company, or any description of manufacturers, that did not present petitions

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against

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against it\*. The press was occupied with publications on both sides; but those which opposed the treaty were more generally read and favoured. The weight of public opinion prevailed against the influence of the ministers; many of their friends deserted them; and, when the motion was made for engrossing the bill, it was negatived by a hundred and ninety-four against a hundred and eighty-five. The victory of the Whigs was celebrated with public rejoicings almost in every town; and afforded them the prospect of rising again to power by that agency which had contributed to their fall.

Article 14th.

The extension of the malt-tax to Scotland was productive of effects, which conspired, with the fate of the commercial treaty, to embarrass the ministers, and to strengthen the interest of their opponents. It had been stipulated at the union, that the Scots should not be subjected to the payment of that tax during the continuance of the war; and, as the peace with Spain, though in agitation, was not yet completed, it was expected, that a kind interpretation of the treaty would have induced the ministers to postpone a demand, which, from local situation, was more burdensome to the people of Scotland than to their fellow-subjects in England. It was alleged

\* The East-India Company forms the only exception: they had intended to address, but were prevented by a resolution of the house of commons, at the instigation of ministers, to bring in a clause, in the act for making effectual the 8th and 9th articles of the treaty, declaring that East-India goods were to be imported to France upon the same terms as the goods of the product and manufacture of Great Britain. Some of the petitioners were heard at the bar of both houses. But the lords came to no resolution, waiting for the decision of the commons. Political State, vol. v. p. 358. 364.

† A paper, in defence of the treaty, was published thrice a-week, by the title of *Mer-*

*cator, or Commerce retrieved.* It was ascribed to Daniel Defoe. Another was published in opposition to this, called *The British Merchant, or Commerce preserved.* It was composed by Henry Martin, who was assisted by some eminent merchants, and by lord Halifax and general Stanhope. Tindal, vol. x. p. 20, &c.

‡ Sir Thomas Hanmer, who had first been for the treaty, after the second reading, voted against it. Some, we may believe, changed their opinion from conviction; but many were afraid of losing the favour of their constituents at the approaching election. Memoirs of the Four Last Years, p. 210, &c.

§ Political State, vol. v. p. 389.

that

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that the malt in Scotland, from the inferior quality of the barley, was not above a third part, or one half of the intrinsic value of that which was made in England; and, consequently, the tax being adjusted to measure, that the Scots were in reality to pay it in a double, or triple proportion.

To the exasperated Scotsman, nothing less than a dissolution of the union appeared an adequate retribution for oppressively subjecting his country a few months prematurely, or, in an aggravated proportion, to an imposition which could not be finally eluded. And now we behold a striking example of that strange vicissitude of sentiment, and dereliction of principle, which render the history of faction so disgusting to every pure mind. The whig ministers, and some of the most distinguished persons among the Scottish nobility, who had, by their joint efforts, accomplished the arduous work of uniting the two kingdoms, now conspired to overturn it, and to sport away the honours which they had acquired by rendering this meritorious service to their country.

The grievances of Scotland having been introduced in the course of a debate on the state of the nation, a motion was afterwards made by lord Seafield for leave to bring in a bill to dissolve the union, and to secure the protestant succession in the house of Hanover, which was vehemently supported by the Whigs and the Scottish peers; while the Tories, who had originally opposed the union, spoke against

1st June.

10 Memoirs of the Four Last Years, p. 222.  
11 "The Tories, who voted with the lord treasurer against the dissolution of the union, were under perplexity, lest they should be victorious; and the Scots, who voted for a dissolution, were under agonies lest they should carry the point they pretended to desire." Swift's Letters, vol. i. p. 239. Letter 96, 2d June 1713.

The duke of Argyle, the earl of Marr, Mr. Lockhart, and Mr. Cockburn, waited upon

the queen and declared, that laying such an insupportable burden, as the malt-tax, upon Scotland, would raise discontents there to such a height, as to prompt them to declare the union dissolved. Political State, vol. v. p. 348. Though the question was carried against the Scots, the queen was so much alarmed by their threats, that assurances were privately given them that the tax should not be exacted. Memoirs of the Four Last Years, p. 225.

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its dissolution. The latter were fairly entitled to plead, that there was an obvious and wide distinction between opposing any contract or transaction while yet in dependence, and cancelling and undoing it after it had been once established. No such apology can be made for the inconsistency of the Whigs.

The solemnity with which the union had been transacted, and the incompetency of the legislature to repeal it, were the chief arguments used by the members who opposed the motion. The grievances of the Scots were urged by its supporters; and, whereas the security of the Hanoverian succession had been insisted upon, as the strongest reason for incorporating the two kingdoms, it was now pled with a sophistical effrontery, that their separation would most effectually contribute to that end. By recognising the protestant settlement, Scotland would become a guarantee for its execution; and, in case of the ill designs now ascribed to the ministers, afford a refuge to the friends of the house of Hanover<sup>13</sup>.

30th June,  
and 3d July.

As the danger of the protestant succession was the fittest engine for rousing the passions of the people, the Whigs lost no opportunity to bring it forward. Two addresses to the queen were presented by the house of lords, and one by the commons, beseeching her to use the most pressing instances with the duke of Lorrain, and all the other princes in amity with her, not to suffer the pretender to reside within their dominions. Although the queen answered these addresses in expressions of courtesy, they could not fail to give her deep concern. They were calculated to excite suspicions concerning the truth of the declarations which she had often repeated relative to the protestant succession; and, supposing that she had no intention to change it, yet what must she have felt, when constrained to do violence to nature; and to condemn, to a state of vagrancy and persecution, a brother unfortunate and degraded, not for any demerits

<sup>13</sup> Life of Argyle, p. 136. History and Defence of the last Parliament, p. 250. Lond. 1713.

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of his own, but on account of the infatuation and misconduct of their common parent<sup>14</sup>.

A message was sent by the queen to the commons, representing, that she had been under the necessity of running into arrears in the payments due upon the civil list; for defraying which, she trusted to the generosity of her people. The Whigs did not neglect the opportunity, afforded by this unexpected application, of deriding the pretensions to moderation and œconomy, to which the present ministers were so much indebted for the good opinion of the country gentlemen. It was asserted by Mr. Smith, one of the tellers of the exchequer, that the debts of the civil list, now stated at four hundred thousand pounds, had not amounted to the half of that sum, two months before the date of the present estimate; and, as the ministerial influence had been privately exerted to counteract an address from the commons for exhibiting a statement of the arrears of the civil list funds, and the debts standing out against it, and no answer had been given to the address when presented, it was suspected, that the money wanted had either been squandered on some secret service, or that it was destined for supporting the ministerial candidates at the ensuing elections<sup>15</sup>. A bill however was brought in, to enable her majesty to raise a sum of five hundred thousand pounds for discharging these arrears, and conjoined with the bill for raising

26th June.

<sup>14</sup> The queen, on different occasions, discovered a tenderness for her brother. Sir George Byng, when he was sent after the French fleet in 1708, had no instructions relative to the person of the pretender. When the subject was taken into consideration by the privy council, the queen appeared greatly agitated, and shed tears, which prevented all further deliberation, and the council broke up in great confusion. Tindal, vol. x. p. 243.

<sup>15</sup> The embarrassments in the civil list were probably occasioned by her majesty having privately agreed to pay the dowager queen the arrears of certain sums, which the late king James, by letters patent, 28th August 1685, had granted to the earls of Rochester, Peter-

borough, and Godolphin, &c. in trust for his queen. By an act of parliament, after the revolution, these sums had been appropriated for the use of the royal household; but, as the act contained a saving clause, in behalf of all who had any just claim upon that part of the revenue to which it referred, her majesty thought herself justifiable in granting a warrant directed to the lord treasurer for paying it according to its original destination, which, consequently, occasioned a deficiency in the money necessary for the household expences. Compare Article 20th of Lord Oxford's Impeachment with his Answer. History of Impeachments, p. 210, 313.

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one million two hundred thousand pounds for the circulation of exchequer bills. Owing to this circumstance, it passed more easily than was expected from the opposition it met with at first <sup>17</sup>.

Party spirit still continued to rage in the convocation during this session, and betrayed the lower house into irregularities highly disrespectful to their superiors. They refused to concur with the address of the bishops to the queen, and assigned such reasons for their refusal, as amounted to an impeachment of the loyalty of its authors. They complained, that the address was deficient in expressions of confidence in her majesty; and could not admit of any alterations, to render it worthy of their concurrence; and they substituted a form of their own, to which they solicited the assent of the upper house. In going thus far, they advanced to the utmost pitch of arrogance, authorized by precedent. But here they did not stop; for, after a prorogation for the purpose of restoring harmony to that assembly, their prolocutor, attended by a number of the members, presented their address to the queen, which, to the mortification of the bishops, met with a gracious reception. Encouraged by this mark of royal favour, they entered upon a vindication of their own conduct, and appointed a committee to draw up an account of their proceedings in the two former sessions, in order to shew the aversion of the bishops to concur with their ardent professions of loyalty; and with their desire to promote internal reformation and extension of discipline, which was the peculiar and appropriate province of the convocation <sup>18</sup>. This report, which was

<sup>17</sup> A bill to prevent duelling was brought in and once read in the house of commons, 16th May, but afterwards dropt. It was occasioned by a duel between the duke of Hamilton and lord Mahon, in which both fell, 15th November 1713; and as this happened soon after the duke's being appointed ambassador extraordinary to the court of France, 29th August, it was maliciously imputed to the Whigs, as if they had been afraid of his promoting the interest of the pretender. Political State, vol. iv. p. 299.

<sup>18</sup> Political State, vol. v. p. 294, &c. The lower house of convocation discovered great zeal for restoring the vigour of ecclesiastical discipline, which was probably the cause of a bill being introduced in the house of lords, for preventing the frequent denunciation of excommunication. It passed there, and was returned from the commons with some amendments, but afterwards delayed from time to time, and finally dropt. Journals Lords and Commons, July.

published

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published and dispersed with great industry, had the desired effect of attracting the attention of the laity, and confounding ecclesiastical disputes with those of a political nature. While the Tories justified the conduct of the lower house, the Whigs condemned it, as contrary to the constitution of the English church, and the fundamental principles of an episcopalian establishment <sup>17</sup>.

From the history of this session of parliament, we have seen, that the ministers were losing ground in the house of lords; and that, upon the occurrence of more interesting questions, their superiority in the commons was more precarious than it had been during the two preceding years. Their influence however was still kept alive by the preferments bestowed upon their adherents <sup>18</sup>, and by the satisfaction which the queen testified with their measures at the prorogation of parliament. She thanked both houses for the good service they had done the public; and acknowledged particular obligations to the commons for their affection and duty to her, and for their regard to the interest of their country, by which they had shewn themselves the true representatives of a loyal people. As this parliament was not to meet again, these expressions were understood, as an earnest, though indirect recommendation from her majesty to the electors, in behalf of the same members, and such as adhered to their principles.

The house of commons, in the fifth parliament of the queen, was chiefly composed of country gentlemen, in the tory interest, who were strongly prepossessed for every measure tending to the censure of the whig ministers, and the future depression of that party. Their zeal for these objects rather surpassed that of the new cabinet, and constrained some of its members to deviate from the moderation

<sup>17</sup> It appeared inconsistent with the subject of presbyters to bishops, to contend for the independent rights of the lower house of convocation.

<sup>18</sup> On the 30th April, the duke of Athole was made privy seal for Scotland; on the 10th of June, the duke of Ormond warden of the

cinque ports; Dr. Atterbury, bishop of Rochester; Dr. Smalridge, dean of Christ's Church. In January 1718, lieutenant-general Compton was made lieutenant of the Tower in the room of lieutenant-general Cadogan. In April, the lord-keeper Harcourt was appointed chancellor of Great Britain.

3 X

which,



which, after having established their own authority, they were inclined to exercise towards their predecessors. Impatient at the slow pace with which lord Oxford prosecuted the dismissal of the Whigs, the tory members, after the first session, entered into clubs and associations, which were not less alarming to the ministers than the opposition they met with from the party displaced; and hardly left them any choice, but the resignation of their power, or a thorough compliance with violent measures, urged by their abettors. Hence, during the second session, abuses were investigated with the most eager and acrimonious diligence. Such proceedings, however, must not be ascribed entirely to the pique and rage of party. Individuals, and collective bodies, even when actuated by the best intentions, are too prone to judge of the state of public affairs by the standard of their own private interest and feelings. The burdens of the war fell heavy upon the gentlemen of landed property: their rents were curtailed; and their pride was offended, with a new set of men, under the patronage of their antagonists, rising above them in opulence and power. They observed, that the whig ministers, deriving accession of strength from the monied interest, were bent upon the continuance of the war, increasing in expence every campaign, while both the attainment and advantage of the object, for which it was pursued, became more precarious and contravertible. Under the influence of patriotism, tinged however with selfishness and prejudice, they were unfortunately open to the snares of supineness and negligence on one side, and of intemperance and precipitancy on the other. Anxious for peace, they trusted too much to the discretion of the agents employed to accomplish it. Provoked at the late ministers for prolonging the war, to the injury of their private fortunes and the public good, they believed all the delinquencies imputed to them without a scrupulous examination of evidence; and became, in some instances, the inciters, and, in others, the tools of ministerial resentment against individuals who had merited well of their country; or, in the worst view, who were culpable only for their con-

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niving at abuses committed by some of their partisans, undeserving of their confidence, or of any public trust.

It cannot be denied, that to throw contempt on the Whigs, this house of commons sometimes descended into mean partialities, degrading to the dignity of the legislative body<sup>19</sup>. But, with all their prejudices and imperfections, they rendered eminent services to the public, and such as could not have been performed by their predecessors without departing from the political system to which they had always adhered. The circumstances of the nation loudly called for peace; and the treaty of Utrecht, though liable to many objections, was certainly preferable to the continuance of the war, which must have happened, if the whig parliament had been prolonged to its legal term of dissolution. It ought also to be mentioned in honour of this house of commons, that, though fond of peace, they did not withhold or delay the necessary supplies while the war lasted; and that they discovered a manly independence, by rejecting the commercial treaty to the great mortification of the ministry.

As the majority of the house were of high church principles, they were inclined to go every length against the dissenters; but, while the ministers paused, the Whigs anticipated the desire of the bigots; and, by the bill for better securing the church of England, participated of that illiberal spirit, which had hitherto been considered as the distinctive reproach of the Tories. The acts, which affected the state of religion in Scotland, originated in the house of commons, and proceeded from their partiality for episcopacy; but they certainly did not exceed that extent of indulgence, which, in conformity to the wisest maxims of policy, as well as of justice, every legislature ought to grant to dissenters who are not inimical to the state.

<sup>19</sup> They desired Dr. Sacheverel to preach according to form, thanked him for his sermon before them on the 29th May, being the anniversary of the restoration of Charles II.; and, Journals Commons, 2d and 30th May.

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*State of Parties in Ireland.—Views of the Dissenters.—Introduction of High and Low Church Party.—The Earl of Wharton appointed Lord Lieutenant.—A Session of Parliament.—Address of the Commons in Behalf of Trinity College Dublin.—Against the Reversal of Attainders.—Proceedings against Roman Catholics.—Convocation.—Parliament prorogued.—Another Session.—Turbulent Spirit of the People.—King William's Statue defaced.—Duke of Ormond appointed Lord Lieutenant.—His Popularity.—The Tories increase.—Session of Parliament.—Addresses.—Supplies, &c.—The Commons censure the Address of the Lords.—Institute an Inquiry into the Conspiracy in Westmeath.—Disputes between the two Houses on this Subject.—Circumstances tending to the Discouragement of the Whigs.—Interference of the Privy Council in the Election of the Magistrates of Dublin.—Partiality and Violence of Sir Constantine Phipps.—Licentiousness of the Presb.—Case of Mr. Higgins.—Proceedings of the Lords.—Convocation.—Survey of this Parliament.—Struggle of Parties.—The Duke of Shrewsbury appointed Lord Lieutenant.—Encourages the Whigs.—Elections for a new Parliament.—It meets.—The Commons make Resolutions censuring the Conduct of the Privy Council.—Address the Queen against Sir Constantine Phipps.—Counter-Resolutions of the Lords.—Parliament prorogued.*

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THE division of parties in Ireland, for some considerable time after the revolution, was founded solely upon religious principles. The great superiority of the Roman catholics, in number, over-awed the protestants, and controlled that sectarian zeal and intolerant disposition among themselves, which would have weakened their strength, and increased their common danger. Whatever might be the private sentiments of some among the established clergy, yet a sense of interest required their acting upon the maxims of low church, and observing moderation and lenity in their conduct towards the protestant dissenters. A few indeed of the lower order, having been educated in England and expecting to be recalled to preferment

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preferment under the patronage of the Tories, made some attempts to inspire their adherents with a jealousy and hatred of the presbyterians; and to propagate those distinctions among the members of the Irish church, which had been nurtured by enthusiasm and faction, in the neighbouring kingdom. This spirit, which began to manifest itself in the convocation at Dublin in the year 1704, was successfully checked by the whig ministers, who entirely engrossed the court interest, during the 2d and 3d sessions of parliament held there in the course of this reign.

The same influence, however, which counteracted the endeavours of the high-church party, inspired the protestant dissenters with the hopes of extending their political power, and participating in the official benefits which had hitherto been restricted to the members of the establishment. The appointment of the earl of Wharton, a distinguished patron of religious liberty, to the office of the lieutenancy, seemed to furnish them with the most favourable opportunity for realizing their hopes, and suggested the idea of applying to the British parliament for a repeal of the test act; and for a more liberal toleration to the Irish nonconformists, than what was enjoyed by persons of the same description in England.

5th Nov. 1708.

The triumph of the high church party in the affair of Dr. Sacheverel, and the subsequent change of the ministry, not only thwarted the expectations of the Irish dissenters, but roused and fomented a spirit of rancour against them, which displayed itself in all the future meetings of the convocation. Nor was it long confined to the ecclesiastical body: the country gentlemen began to be distinguished by the names of high and low church; and a considerable party in the house of lords espoused a system of measures, evidently calculated for the depression of the dissenting interest. The vacant offices in Ireland were filled, by the English ministers, with persons whose political sentiments were congenial with their own; and the Irish

\* Archbishop of Dublin's Letter to Dr. to the same, Feb. 10, 1709. Swift, 20th Nov. 1708. Archbishop King's

protestants

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protestants were divided, and embroiled with all the party zeal and contention which prevailed in the mother country. The facts, which I am going to recite, will illustrate these assertions.

1709.

The earl of Wharton, appointed successor to the earl of Pembroke, opened the fourth session of the Irish parliament on the 5th May 1709<sup>a</sup>. After recommending the necessary supplies; putting the fortifications in a better state of defence; and providing a sufficient quantity of warlike stores; he called their attention, particularly, to the great inequality between the Roman catholics and the protestants with respect to numbers; and reminded them of the sanguinary disposition of the former as often as they had an opportunity to gratify it<sup>b</sup>.

6th May.

Both houses addressed the queen, expressing congratulations for the success of her majesty's councils and arms, with assurances of their loyalty and entire satisfaction with the appointment of the earl of

12th and 23d  
May.

Wharton. A supply of seventy five thousand pounds was voted for the necessary branches of the establishment, and for buying arms, ammunition, and warlike stores for the militia.

<sup>a</sup> The earl of Wharton's father was a presbyterian, and, though the son professed himself a churchman, yet he was a warm friend to the dissenters; and it is said, made the abandoning of the bill against occasional conformity a condition of supporting the earl of Godolphin. *Life of Wharton*, p. 37. 40. He had been a great instrument of the revolution, and was made comptroller of the household, which he held during king William's reign, but never was trusted with any ministerial office. He was dismissed, and his name struck out of the list of the privy council, soon after the queen's accession, but promoted to a higher rank in the peerage, and restored to place, when the ministry assumed the character of Whigs. *Id.* p. 36. 56. "The earl had fine talents and great wit, but all was thrown away by his want of principle and levity." *Walpole's Catalogue*, vol. ii. p. 130.

The celebrated Mr. Addison entered first into public office as secretary to the earl of

Wharton, and after his arrival at Dublin became acquainted with Dr. Swift, whose political principles, at this time, were supposed to be the same with his own. In testimony of his esteem and friendship for Swift, Mr. Addison recommended him warmly to the patronage of the lord lieutenant, who appointed him his chaplain. *Oldmixon*, vol. ii. p. 415—26. *Life of Wharton*, p. 64. Politics divide the dearest friends, and unite persons of the most discordant affections. The principles and temper of the earl of Wharton and Mr. Addison form a perfect contrast to each other, but the secretary was a warm abettor of all the measures patronised by his master. *Swift's Letters*, vol. i. p. 223. *Molesworth's Letters*, p. 44. *Lond.* 1721.

<sup>b</sup> *Annals Anne*, May 1709. His excellency, with an irony unbecoming the solemnity of such an address, called it the *good nature* of this sort of men, namely, the Roman Catholics.

An

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An accident, which had lately happened in the university of Trinity college near Dublin, gave the commons an opportunity of shewing their attachment to revolution principles; and for rebuking that defection from them which had lately broke out with alarming violence in every part of the kingdom. Edward Forbes, a fellow of that college, had been expelled by his colleagues for speaking dishonourably of the memory of king William. Such an example of patriotic zeal, at a season when many were suspected of disloyalty, the commons thought deserving of some marked testimony of praise, and addressed the lord lieutenant, to lay before her majesty their humble desire, that five thousand pounds might be conferred on the provost and fellows, for erecting a public library there to encourage sound literature, and revolution principles.

The resolutions of the lower house, relative to the palatines, who had lately arrived from England, contained the fullest approbation of the sentiments of those who sent them, and who still held the reins of government. The commons expressed a tender regard for those unfortunate men, whose principles and sufferings claimed the hospitality of the humane in every country; and particularly of the Irish protestants, who had themselves suffered under the rod of oppression. They rejoiced in the accession of a body of protestant subjects, as contributing to the interest of true religion, and the security of the kingdom; and to encourage them to settle in Ireland, voted a sum of five thousand pounds per annum, to be distributed among them, and to be made good in the next aids granted to her majesty<sup>c</sup>.

So far the commons acted upon principles of generous policy; but other measures, prosecuted by them in the course of this session, discovered a spirit of self-interest and vindictive severity, which certainly detracted from the applause due to the measures now recited.

<sup>c</sup> *Journ. Com.* passim. 23d and 24th August. The English ministry rather trespassed upon the generosity of the Irish commons; and, instead of five hundred palatine families, the number expected and provided for, above eight hundred were sent to Ireland. Report of the Sub-Committee appointed to inspect the Accounts of Money disbursed for the Palatines. *Journ. Com.* 28th July 1711.

They

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June.

23d and 30th  
August.

They entreated her majesty not to listen to any solicitations in behalf of those persons, who had been attainted for treason in the year 1641 and the year 1688, though it was well known that many of them had been condemned upon deficient and false evidence. Under the title of an act for explaining a former one to prevent the farther growth of popery, they gave new ferocity and more extensive scope to every existing law, against the numerous and unfortunate votaries of that religion<sup>1</sup>.

The house of lords concurred with the zeal of the commons; and, to recommend themselves to the favour of the lord lieutenant, who abhorred every taint of superstition, they committed the bishop of Raphoe to prison, because he had protested against their doing business on the 28th of June, which was the anniversary of the festival of St. Peter and St. Paul<sup>2</sup>.

<sup>1</sup> By this act, Roman catholic proprietors were made incapable of mutilating or alienating their estates, which, in terms of the act of the second year of her majesty's reign, were to descend to the next protestant heir, by settling annuities upon their popish children or relations.

The high court of chancery was empowered, from time to time, to ascertain the value of the estates possessed by Roman catholics; and to make a proportional provision, both for the immediate and future maintenance of such of their children as had been converted to the protestant religion.

Persons who professed to turn from the popish to the protestant religion, were not to enjoy the benefits of conversion, unless, besides producing the certificate of the bishop of the diocese as directed by a former act, they received the sacrament of the Lord's Supper, according to the order and use of the church of Ireland, within six months after making their declaration.

To encourage the wives of the Roman catholics to abandon the religion of their husbands, they were, upon their decease, to be entitled to such provision and jointure out of their estates and personal effects, as the lord

chancellor should think reasonable and fit, notwithstanding any testament, alienation, or disposition to the contrary, made in the lifetime of the husband.

All papists, convicted of teaching schools, or of assisting as ushers to protestant schoolmasters, were to be subjected to the same penalties as popish regular clergymen.

The former acts for preventing popish priests coming into the kingdom, which had only a temporary authority, were made perpetual.

High rewards were enacted, for encouraging informers against Roman catholic delinquents. The powers of justices of peace, to apprehend suspected persons, were greatly extended. Great encouragement was given to ship-masters for transporting convicted persons to foreign plantations. No papist permitted to follow any craft or trade, within the kingdom, was allowed to keep more than two apprentices at a time.

<sup>2</sup> The lord lieutenant was blamed for this wanton severity. As he did not himself profess any reverence for holidays, this measure, if not suggested by, was supposed to be highly acceptable, to him.

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Notwithstanding these discouragements, the spirit of toryism was still alive in the ecclesiastical assembly, which now began to enter, with great warmth, into the same tract of disputation that had been pursued by the English convocation; but it was rendered abortive by an order for prorogation, while the parliament yet continued sitting. After the several ways and means for furnishing the supplies were voted, the lord lieutenant expressed the fullest satisfaction with the proceedings of this session; and having closed it by prorogation on the 30th August, in a few days thereafter returned to England<sup>3</sup>. The whig interest was greatly advanced in Ireland, under the government of the earl of Wharton, by the preferments conferred upon its adherents, and the admission of such of them as were most distinguished for rank and influence into the privy council<sup>4</sup>.

The issue of Dr. Sacheverel's trial, and the increasing popularity of their friends in England, again elevated the hopes of the Irish Tories; but before they had time to form any plan for collecting their strength, or making any public efforts as a party, they were confounded and disappointed by the arrival of the earl of Wharton, who was sent back to open another session of parliament<sup>5</sup>. May 1710.

<sup>3</sup> The lord lieutenant concluded his speech at the prorogation of parliament, by declaring to them that it was her majesty's will and intention, that dissenters should not be persecuted or molested in the exercise of their religion.

It appears from the journals of the commons, passim, and particularly 29th August, that it had been optional to the subjects of Ireland, to apply either to their own parliament, or that of Britain, for private bills. The commons complained of the exorbitant fees for passing private bills in the house of lords in Ireland, as the occasion of having recourse to the British parliament, and they moved for a bill to reduce the fees. To supersede this measure, the lords agreed, at a conference, to regulate and ascertain the fees

of their officers for passing private bills; and that it should be one-fourth less than in Britain.

<sup>4</sup> Life of Wharton, p. 78.

<sup>5</sup> From the earl of Wharton's being sent back to Ireland, it is probable that the principal persons, lately introduced into power, did not then despair of a coalition with the Whigs. The earl of Wharton was celebrated for his bustling, intriguing spirit at elections; and Mr. Harley might think it expedient to have him removed at a distance while the general elections were approaching. He spent a great part of his fortune (12,000*l.*) in support of the Whigs at the preceding general election. Life of Wharton, p. 41. 74.

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5th June.

It met at Dublin on the 19th of May, and the chair of the house of commons having become vacant by the promotion of Allen Broderick to be chief justice of the queen's bench, Mr. Forster, the attorney general, entirely devoted to the whig ministers, was chosen speaker without any opposition. The addresses of both houses to the queen contained the warmest expressions of loyalty and gratitude: the signal success of her arms was mentioned with heartfelt congratulation, and in terms particularly honourable to the duke of Marlborough. The statement of the public accounts, by the committee appointed for that purpose, was approved by the commons; a supply was voted, amounting to the sum of one hundred and twenty thousand, nine hundred and fifty-two pounds; and several acts passed, tending to the improvement of the police, agriculture, and manufactures of the country<sup>10</sup>. On the 28th of August, the earl of Wharton prorogued the parliament; and took his final leave of Ireland.

Although all had been quiet within doors, and the proceedings of parliament smoothly conducted, the spirit of party was daily gaining ground; and the Tories and high-churchmen began to rally their friends in every part of the country. Various attempts were made, after the example of their correspondents in England, to kindle the flames of fanaticism, and to excite popular commotions. A statue, which had been erected in the college green at Dublin, in honour of king William, after the battle of Boyne, was defaced during the fitting of parliament; and similar outrages were committed in different parts of the kingdom. A proclamation was immediately published by the lord lieutenant, in compliance with the request of the house of lords, offering a reward of one hundred pounds for discovering the rioters; and another to the same purpose by the corporation and

<sup>10</sup> Annals Anne, p. 208. It appears that ministerial venality had risen to a monstrous pitch in Ireland, for a bill was brought in this session, 7th June, to prevent the promotion of any spiritual person for reward, and buying and selling temporal offices relating to the execution of justice.

magistrates

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magistrates of Dublin, who repaired the statue; and both received the thanks of the lords and commons<sup>11</sup>.

While the removal of the earl of Wharton revived the hopes of the Tories, the nomination of the duke of Ormond to the lieutenantancy operated for the consolation of the Whigs. Independent of ministerial patronage, he had by far the greatest influence of any nobleman in Ireland. An hereditary veneration for the memory of his ancestors, distinguished for their patriotism and their moderation, when in power, as well as his own personal virtues; his generosity, his magnificence, and his attachment to the reformed religion, rendered his name popular, while the great property he had at stake was considered as a pledge for the security of the protestant interest; and for repressing the licentiousness of a party hostile to all the friends of the revolution<sup>12</sup>.

The Whigs and Tories, equally satisfied with the choice the queen had made, vied with each other in professions of attachment to the new lord lieutenant; and when he made his entrance into the city of Dublin, he was received by an immense multitude, with such acclamations of joy as never had been displayed before on the like occasion. It was, however, not a little ominous to the Whigs, who had cordially taken a part in this festivity, to hear the names of the new ministers conjoined, by the giddy mob, with those of the queen and the duke of Ormond, as if they had been all equally and indiscriminately the objects of their affection<sup>13</sup>. Other circumstances, which admit of no dubious interpretation, still farther con-

<sup>11</sup> Two young students were apprehended and convicted; they were fined each of them 100*l.*, condemned to six months imprisonment, and expelled the college. Annals Anne, p. 226.

<sup>12</sup> He was grandson of the duke, who was lord lieutenant during the greatest part of the reign of Charles II. and son of the amiable earl of Ossory. "He had attended king William in every campaign during the late war, and gained more reputation by his gener-

"fity, than other generals did by their arms. "He was so good-natured, that it was said he never knew how to refuse any one who solicited him; the consequence of which was, that he was constantly surrounded with flatterers, and served many undeserving persons." MSS. Characters.

<sup>13</sup> "God bless the queen, the duke of Ormond, and the new ministry, who have done so much for the people." Annals Anne, p. 163.

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tributed

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tributed to the uneasy apprehensions of that party. Several of the most violent Tories now started as candidates for ministerial favour; and some persons, who had no reputation with either party, began to affect a mighty zeal for the church and the monarchy, which appeared by no means disagreeable to the court.

The Irish parliament met on the 9th of July 1711. The lord lieutenant announced her majesty's gracious compliance with an application from the Irish clergy, to remit the twentieth parts, and to grant the first fruits for purchasing impropriations, as a provision for the enlargement of the protestant church, which might be expected to happen soon from the operation of the laws against popery". He likewise gave notice of her majesty's bounty to the college of Dublin, agreeably to the recommendation of the commons in the year 1709; he assured them of her majesty's intention to preserve the church of Ireland, and the Hanoverian succession, and to concur in every measure for promoting the safety and honour of the kingdom.

14th July.

A dispute arose in the house of commons, on account of certain expressions in their address to the queen, which appeared disrespectful to the whig ministry in England, lately dismissed from office;

" Her majesty's bounty to the clergy was ascribed to the good offices of the lord lieutenant, and made him popular among all the friends of the church; but it was entirely owing to Dr. Swift's interest with Mr. Harley, and the assiduous application with which he pursued that business. Swift's Letters, passim, particularly Dr. King's to Swift, 27th October 1711. It ought to be mentioned in honour of Swift, that his influence with the ministers was, indefatigably and effectually, employed in doing good offices to others. He had the satisfaction of having provided for fifty persons of merit during the tory administration. Sheridan's Life of Swift.

Dr. Swift, prior to this period, had been reputed a Whig; and, when the Irish clergy, who had sent him to London to solicit the remission of the first fruits, heard of the change of the ministry, they were afraid that he would

not succeed, supposing his principles to be adverse to theirs. King's Letters to Swift. 2d and 30th Swift's Letters, No. 20. 25. 34. Sheridan's Life of Swift, p. 52. 58. 63. 109. 112. Oldmixon affirms, that Dr. Swift offered his services to the earl of Godolphin, and would have written against Mr. Harley, but that the earl had a great contempt for pamphleteers, of which he afterwards repented. Oldmixon, vol. ii. p. 456. But as this author was a bigoted whig, and a virulent writer, his authority ought to be admitted with great caution. See also on this subject Secret History of the present Ministry, p. 10, &c. Lond. 1715. Dr. Swift was undoubtedly piqued on account of his merits being overlooked by the earl of Wharton, from whom he expected more beneficial promotion than being made one of the royal chaplains. Tindal, vol. ix. p. 143.

but,

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but, on being vindicated from this construction, they were suffered to remain". The address of the lords ran in a higher strain of compliment than that of the commons, and obliquely conveyed their partiality to the principles of the new ministry, as well as their disapprobation of those motives which had induced the other house, in a preceding session of parliament, to solicit her majesty's bounty in behalf of the college of Dublin".

The commons, that they might not be suspected of any abatement of loyalty, cheerfully granted the supplies (167,023*l.*) and disposed of all the public business before they entered upon such measures as appeared necessary for defending their own honour, and for maintaining their firm adherence to those political principles, which were losing credit in the mother country. They even exceeded in generosity, by voting funds sufficient to support the necessary branches of the establishment for two years to come; and brought in several important bills for promoting the fair dispensation of justice, securing the continuance of domestic order and peace; and accelerating the progress of every public improvement".

The success of these, however, was defeated by the animosity which arose between the two houses, and tainted all their proceedings during the remainder of this session. The lords embraced every opportunity of professing their attachment to the principles of the new ministers; and, in that part of their address which related to the extension of the royal bounty to Dublin college, had cast a reflection upon the other house, by imputing their application for it to dishonourable motives. The commons, after passing the severest

" The words were, " Nor have your councils been less mindful to preserve credit to this, than to restore it to the British nation." The address had been drawn up by the friends of the court, and the majority of the commons, being Whigs, were unwilling to admit any insinuations tending to the disparagement of the late ministry.

" The expressions used by the lords were, " That her majesty had extended her favour to

" the college of Dublin, at such a juncture, as must testify to the world, that it was not given to promote those principles upon which it was first applied for; but to encourage university education, the neglect of which had been a great occasion of those loose and wild tenets, which had been industriously spread, to the endangering the state, and undermining all religion."

" Journals Commons, passim.

censures.

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censures upon this address, complained to her majesty, that the lords had grossly misrepresented their intentions in applying for this bounty, and her majesty's condescension in conferring it; they avowed their adherence to sound revolution principles; and disclaimed, with the utmost abhorrence, every wish or design, tending to the diminution of her majesty's authority. The lords, in their turn, addressed the queen repeatedly on the same subject; and particularly inveighed against the unprecedented precipitancy and rudeness of the commons, for having carried the bitterest censures of their conduct to the throne, without having previously demanded a conference, or given them any opportunity to explain themselves if they had been mistaken; and, at the same time, gave fresh provocation to the commons, by accusing them to her majesty of patronising political publications of the most dangerous tendency.

Another, coincident dispute contributed farther to inflame that rancour which now subsisted between the two houses. Jealous for the honour of the protestants, the commons instituted an inquiry concerning information, which had been lately communicated to the privy council, relative to a conspiracy against the government by some gentlemen of Westmeath, which was attended, as they believed, with such circumstances, as to give ground for suspecting that it had originated from the malice of the Tories. Dominick Langton, the informer, had been originally a popish priest, and though, upon his renunciation of that religion, he had been received into the establishment, yet his faith and sincerity were extremely dubious, which, together with the officious and clandestine manner of delivering his evidence, excited their apprehension of its being fictitious and malevolent. To proceed in this inquiry with becoming candour and fairness, they sent a message to the lords, requesting permission for Mr. Justice Coote, who had examined Langton and his witnesses, to attend a committee of the commons; but the lords not only refused to comply with this desire, but passed a vote for taking the examination of this affair entirely into their own hands. This conduct

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duct was considered by the commons as an insult offered to their dignity, aggravated with the intention of screening from disgrace a person who had undertaken the part of a spy, that he might be the instrument of bringing the best friends of the constitution into trouble". They resolved, that the charges brought by Langton against the gentlemen of Westmeath were false and malicious; and addressed the lord lieutenant to use his good offices with the queen, to get Dominick Langton struck off the list of the establishment".

With a view to allay these heats, the lord lieutenant interrupted the proceedings of parliament by successive adjournments, from the 11th of August to the 4th of October. The animosity of the two houses was too violent to admit of any abatement from the cessation of political intercourse; and some intervening circumstances furnished new materials for fomenting their discords, and sharpening the acrimony of adverse factions. The privy council repeatedly refused to confirm the election of the city magistrates, returned by the lord mayor and aldermen of Dublin. Although, agreeably to the strict interpretation of law, the assent of her majesty's council was necessary to confirm the elections of the lord mayor and sheriffs; and the refusal was founded upon a complaint against the electors, on account of certain irregularities in their conduct; yet, as a complaint upon the same ground had been disregarded by the earl of Wharton, and was now brought forward at the instance of a violent partisan of the Tories, the attention paid to it was considered as a strong proof of the partiality of the court to them. The lord lieutenant afterwards received a letter from the secretary of state, intimating her majesty's approbation of the conduct of the privy council, in asserting the rights of the crown, when they saw proper reasons to control the elections made by the court of aldermen".

The

" Journals Commons, 6th August, King's Letter to Swift, 1st September 1711.

" Idem, 6th, 7th, 8th, 9th November.

" King's Letter to Swift, 15th May, 1st September 1711. The dispute between the crown and the corporation of the city of Dublin.



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The private demeanour and official conduct of Sir Constantine Phipps, the present lord chancellor, confirmed all the unfavourable prepossessions against him, which the Whigs in Ireland had conceived from his zeal and activity in defence of Dr. Sacheverel. He associated only with Tories and churchmen, and was entertained by the nobility and gentlemen of that description with the most magnificent hospitality: he received the congratulations and thanks of the clergy as the patron of their order, and the champion of the rights of the church<sup>21</sup>. Under the auspices of such a judge, every legal check upon the licentiousness of the party which he patronised was suspended. The most malignant attacks upon the dissenters daily issued from the press, and even those publications, which had been condemned in England for their seditious tendency, were reprinted and dispersed, without any reprehension from the Irish ministers. Mr. Higgins, a clergyman, who had been turned out of the commission of the peace by the late chancellor Coxe, on account of his indecent and turbulent behaviour, was now restored to his seat by Sir Constantine Phipps. On the very day of resuming his authority, he gave such offence to his colleagues by his insolence and unguarded expressions, that he was presented, by the grand jury of the county of Dublin, as a fower of sedition and groundless jealousies among her majesty's protestant subjects; but he was acquitted by the lord

29th Nov.

lin turned upon an old bye-law of the corporation, made in the reign of queen Elizabeth, by which the aldermen, according to their *ancientry*, are required to keep the mayoralty. A considerable ambiguity arose with respect to the extent of this requisition, because, though the aldermen might be bound to *keep* the mayoralty, or serve as mayors when elected, the electors might not thereby be obliged to prefer them, or put the office upon them. A change of circumstances had also superseded the reason of this law; for the office, considered formerly as a burden, was now sought for by ambitious citizens. Several instances

of dispensing with the law, or of contrary practices, were produced. The dispute had been agitated for two years among the different parties in the city, on which account the earl of Wharton had prudently abstained from interfering in it; but now the faction that was baffled, headed by Mr. Constantine, the disappointed candidate, declared their zeal for high-church principles, in order to allure the patronage of the new ministers. King's Letters to Swift, 15th May, 1st September 1711.  
<sup>21</sup> Tindal, vol. x. p. 83. Conduct of the Purse in Ireland, Lond. 1714.

lieutenant

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lieutenant and privy council, to the great joy of the high-church party<sup>22</sup>.

The events and proceedings, now recited, exasperated the Whigs, encouraged the insolence of the Tories, and occasioned such violent disputes between the two houses when they met again after the adjournment, as distracted their attention from all public business. In the commons, a motion was made to address the lord lieutenant to lay before them a list of the several returns of the magistrates in corporations, against whom petitions had been presented; and also the secretary of state's letter, containing her majesty's instructions on that subject. This motion, by the utmost exertion of ministerial influence, was rejected only by a single vote. To stigmatize the house of lords for the expressions in their address to her majesty, relative to her bounty bestowed on Trinity college, they resolved, that whosoever, by speaking or writing, arraigned the principles of the revolution 1688, should be deemed an enemy to the queen, the constitution, and the Hanoverian succession. They were debating on a motion for burning the memorial of the church of England, which the Tories now circulated with great industry, when all farther proceedings were interrupted by the prorogation of parliament.

29th Oct.

8th Nov.

9th Nov.

The proceedings of the lords ran into an opposite, and more dangerous extreme of party violence. They presented a second address to the queen, in defence of their former one upon the affair of Trinity college; and charged the commons, in direct terms, with patronising men of a factious and seditious temper. They agreed, upon a motion from the bishops, to another address against the protestant dissenters, arraigning their principles and conduct, with the

<sup>22</sup> Annals Anne, p. 192, 3. Mr. Higgins had been a co-adjutor of Dr. Sacheverel in England; and rivalled him in the vehemence with which he declaimed upon the danger of the church, and the treachery of the ministers. Cunningham, vol. ii. p. 275. He was the author of several scurrilous tracts against the dissenters, and suspected of having drawn up a narrative concerning the conspiracy of the protestants in Westmeath, which contained reflections injurious to all the whig gentlemen in Ireland.



CHAP. view of persuading her majesty to withdraw the royal bounty  
XXII. usually conferred upon their clergy"; and condemned to the flames  
1711. several sermons, which had been preached by them on public oc-  
casions.

9th Oct. The zeal of the lower house of convocation still surpassed that of  
the lords. They published an attestation in behalf of their cham-  
pion, Mr. Higgins, bearing, that he had always shewn himself a  
good christian and a loyal subject; and they presented their thanks  
to Sir Constantine Phipps, for the many eminent services he had  
rendered the church. The duke of Ormond, after proroguing the  
parliament, departed for England, devolving the care of the govern-  
ment upon Sir Constantine Phipps and general Ingoldsbys, as lords  
justices".

The conduct of both houses, in this session, exhibits a new aspect  
of an Irish parliament. From the zeal with which they supported  
their different systems, and the keenness of their opposition to each  
other, it appears, that the commons had formed a strong attachment  
to the late ministers; and that the house of lords had generally  
imbibed the tory and high-church principles, which had now ob-  
tained the ascendancy at court. As the former discovered an in-  
flexible adherence to the Whigs, and as the supplies had been grant-  
ed for two years, commencing from the 24th of June 1711, the  
meeting of parliament was suspended by frequent prorogations  
1711-12. during that period. In the meanwhile the war of parties was car-  
ried on with unabated violence; and affected every order of society.  
The members of the corporations were in general firm in the whig  
interest; but their influence was daily more and more controlled by  
the interference of the privy council, uniformly disapproving of the  
election of magistrates, who were of that party; and thereby strain-  
ing the power of dissent into that of a nomination. The vacant

" The sum of 1200*l.* per annum, was first king William and queen Anne.  
bestowed by Charles II. upon dissenting minis- " Annals Anne, p. 81.  
ters in Ireland, and had been continued by

offices were all supplied with violent Tories: associations were CHAP.  
formed, and measures adopted by them, to depress the dissenters by XXII.  
cramping their business and trade; and, while there was a palpable 1712.  
relaxation in the execution of the laws against the Roman catholics,  
the former were prosecuted for the slightest crimes, and punished  
with the utmost rigour".

The situation of the army in England requiring the constant at-  
tendance of the duke of Ormond, the duke of Shrewsbury was ap-  
pointed his successor, and sent to Ireland to hold another session of Sept. 1713.  
parliament, which became necessary upon the expiration of the sup-  
plies. A proclamation was published to dissolve the existing parla-  
ment, and from the augmented influence of the Tories, and the  
patronage of the court, it was expected that a new house of com-  
mons would be found more obsequious to the measures of adminis-  
tration.

The elections were carried on by the rival factions, with the most  
eager and violent contention. Riots happened in many of the towns,  
and, during the poll in Dublin, the contest was so furious, that the  
interference of the troops became necessary to prevent bloodshed".

The drooping spirits of the Whigs were in some measure revived  
by the sentiments and conduct of the duke of Shrewsbury, which,  
as they did not correspond with the temper and measures of the  
English ministers, excited great uneasiness among those who had  
been principally concerned in the late violent proceedings. He  
omitted no opportunity of professing his warm and unshaken attach-  
ment to revolution principles, and all who befriended them; and at  
the opening of the parliament assured them, that her majesty had 25th Nov.  
nothing more at heart than the security of the protestant succession;  
and earnestly recommended, that as all protestants had the same  
common interest, they would wisely co-operate for its support, by  
laying aside all animosities and resentments among themselves.

" Tind. vol. x. p. 765. Conduct of the Purse in Ireland.

" Political State, vol. vi. p. 267.

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28th Nov.

The strength of parties was immediately tried by the choice of the speaker in the house of commons; and Allen Broderick, the favourite of the Whigs, was preferred by a majority of four voices. The commons congratulated her majesty upon the success of her endeavours in procuring a safe and honourable peace; and expressed a deep sense of her goodness in taking care to preserve their rights, by securing the protestant succession in the illustrious house of Hanover. The necessary supplies were granted with unanimity and dispatch. In examining the state of controverted returns, many abuses were traced to the late restraints upon corporations, which occasioned various resolutions, censuring the conduct of the privy council, particularly for their interference in the election of the lord mayor and sheriffs of Dublin<sup>27</sup>. A committee was appointed to prepare an address to her majesty, beseeching her not to grant licences to Roman catholics, who were desirous to return to Ireland; and a bill was brought in for attainting the pretender and all his adherents, with a promise of a reward for apprehending him. An inquiry was instituted concerning the proceedings of the courts of justice in some of the late trials, with the design of charging them with criminal remissness and partiality<sup>28</sup>. All these corruptions and

<sup>27</sup> They resolved, that for many years past a design had been carrying on to subvert the constitution, and alter the government of the city of Dublin. They specified instances of corrupt attempts made in support of this design, and ascribed the confusion and disorder which prevailed in the city of Dublin, to the privy council's disapproving of persons who had been elected magistrates of the city, notwithstanding their known attachment to her majesty's person and government, and the constitution of church and state. Journals Commons, 22d, 23d, 24th December.

<sup>28</sup> Journals Commons, 18th, 22d December. The two cases which the commons had in their eye, particularly, were those of Edward Lloyd and Dudley Moore. The former

had been convicted of publishing a seditious libel, entitled the Memoirs of the Chevalier de St. George, but the process had been stopt by the lords justices, upon a petition from Lloyd, and a letter from the duke of Ormond, to them, in which he used this expression, That the man had no evil intention in publishing the book.

The other case was that of Dudley Moore, who had been at the head of a whig riot. The actors in the Dublin theatre having refused to gratify the audience with a prologue to the tragedy of Tamerlane, written by Dr. Garth, which had been formerly applauded by them, but prohibited by government upon the prospect of peace, because it invited her majesty's subjects to continue the war with France,

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abuses being ascribed to the influence of the present lord chancellor, the commons addressed her majesty to remove him from office.

The attention of the upper house was principally occupied in counteracting these proceedings. They went over the same grounds with the commons, and, in the form of resolutions, specified various facts, tending to place the conduct of the privy council and the chancellor in the most favourable light; and presented an address to the queen, testifying their warmest approbation of the honour and integrity, with which the latter had acquitted himself in the important office which he filled. The supplies, the great object of calling a parliament, having been obtained, and the counter-proceedings of the two houses only fomenting those heats which frustrated the prosecution of useful business, and threatening to embroil the kingdom, the lord lieutenant put an end to this session on the 24th of December. The lord chancellor Phipps, and the archbishops of Armagh and of Tuam, were appointed lords justices of Ireland. No act passed this session, which was considered as a rebuke from the sovereign to the commons, for their perseverance in measures which deeply affected the characters of her favourite servants.

France, Moore got upon the stage and repeated the prologue himself. He was indicted for this offence before the queen's bench, and although there were many informalities in the proceedings against him, the crown lawyers, encouraged by the chancellor, still persisted in the prosecution. Journals Commons, 18th December. Political State, vol. vi. p. 358.

## C H A P. XXIII.

*The Hopes of the Whigs revive upon the Dissolution of Parliament.—The Elector of Hanover declines interfering in the Elections.—Circumstances hurtful to the Interests of the Ministers.—Parliament meets.—Sir Thomas Hanmer chosen Speaker in the House of Commons.—The Queen's Speech.—Addresses.—Complaint in the House of Lords against a Pamphlet, entitled, The Public Spirit of the Whigs.—Proceedings upon it.—Complaint in the House of Commons against several Pamphlets published by Mr. Steele.—He is expelled the House.—Delicate Situation of the Queen in Questions relative to the Succession.—Motion concerning the Danger of the Protestant Succession—Negatived in both Houses.—Address for removing the Pretender from Lorrain, &c.—Baron Schütz demands a Writ for the Electoral Prince—Effects of this.—Inquiries in the House of Lords relative to Dunkirk.—The Catalonians.—The Conduct of the Lord Treasurer for giving Money to the Higbland Clans.—Proclamation for apprehending the Pretender.—A Bill for preventing the Growth of Schism—Debates upon it—Passes.—Reports of the Commissioners of Accounts.—A Bill for a new Commission carried in the House of Commons—Rejected by the Lords.—Address of the Lords approving of the Peace.—Inquiry concerning the Commercial Treaty with Spain—Concerning the Assiento Trade.—Prorogation of Parliament.—Observations.—Proceedings of the Convocation.—Consultations and Measures of the Whig Leaders.—Discords in the Cabinet.—The Earl of Oxford dismissed.—The Queen taken ill.—Proceedings of the Privy Council.—The Duke of Shrewsbury appointed Lord High Treasurer.—Death of the Queen—Her Character.*

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UPON the dissolution of parliament, the hopes of the Whigs revived; and they looked forward to the approaching elections as a favourable crisis for their restoration to power. Aware, that the visible decline of the queen's health would increase the influence of the party patronised by the family next in succession, they were at great pains to blend their own cause with that of the court of Hanover, and to represent the success of their friends as essential to the security

security of the protestant settlement. They solicited the elector of Hanover to take an active part in the depending canvas; and even to furnish them with large sums of money, without which they could not depend upon the fidelity of some of their indigent friends, besieged by the promises and importunity of their antagonists.<sup>1</sup>

But though these applications were urged with the warmest professions of attachment to the elector, and sometimes accompanied with menaces to desert a cause about which he seemed himself to be so little interested, he prudently abstained from any premature, and indelicate interference in the disputes of faction.<sup>2</sup>

The Whigs succeeded in procuring the return of their adherents in a few places, which had been formerly represented by Tories; but the latter generally stood their ground, and their majority was little inferior to what it had been in the last parliament.<sup>3</sup> Although the ministers still retained their interest at court, and had lost few of their friends in the elections, yet a variety of circumstances now concurred to lessen their reputation, and to render the support, which they expected in both houses during the ensuing session, more feeble and precarious than it had hitherto been.

1. The slow progress of the treaty at Utrecht, the concession of almost every disputed point to the French plenipotentiaries, and the disproportion of the terms, obtained for Britain, to the high expectations which had been cherished by such a series of splendid victories, were topics well calculated for turning the tide of popular favour against the party, to which all these instances of misconduct were imputed. The objections to the commercial treaty with France affected the interests, and came home to the understanding, of the most illiterate manufacturers and traders; and its having been rejected by the house of commons gave the highest sanction to their disapprobation; and furnished an authoritative proof of the error, or ill intention of its framers.

<sup>1</sup> Letter of l'Hermitage to Bothmar, 13th July 1713. Hanoverian Papers.

<sup>2</sup> Id. 1713, passim.

<sup>3</sup> Political State, vol. vi. p. 188.

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The delay and reluctance, with which the French king proceeded in demolishing the harbour of Dunkirk, and the repeated applications which he made to the court of England, for dispensing with the rigid performance of an article more gratifying than all the rest to the pride and resentment of the people, excited a suspicion of collusive dealings between that prince and the present ministers\*. The popular discontents and jealousies were heightened by the arguments urged for appeasing them. The importance of demolishing Dunkirk was diminished; the queen's prerogative to dispense with it vindicated, and her exertion of it in the present case represented as an act of mercy to the inhabitants of that city; the fears, which the people had been wont to indulge concerning the ambitious designs of the French king, were treated with ridicule, and imputed to the calumny of a disappointed faction. The extravagant encomiums on the peace, circulated by the ministerial agents, only served to rivet the conviction of their employers being conscious to themselves of misconduct, which they wished to conceal under the glare of self-assumed and fictitious merit. The intercourse of kindness between the French and English courts, after the conclusion of the peace, was so contradictory to the bent of national prejudice, that it roused a general indignation, and was considered as a prelude to some direful revolution. The interest and wishes of the French king, it was said, were too obvious to escape the bluntest conception; he had been attempting, during the course of a long reign, alternately, by open war and secret intrigue, to distract and weaken England, the only power that could set bounds to his usurpations. How could his views be more effectually promoted than by a contraverted succession to her crown? Could he omit so favourable an opportunity, as that which he now derived from his influence in the English cabi-

\* Political Papers, vol. vi. p. 183. vol. vii. p. 64. History of Impeachments, p. 104. speech of d'Aumont when introduced to the queen, 4th July 1713. He afterwards presented her majesty with a set of fine coach horses. Pamphlet of the Times. See the

nct,

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net, to pave the way for the exaltation of a prince, who had been educated under his tuition, and whose prejudices would all run in favour of his political designs. The elector of Hanover, the rival heir, by remonstrating against the peace and still continuing the war in conjunction with the emperor, had become peculiarly obnoxious to the resentment of Lewis, and might lay his account with every obstruction, which that monarch could throw in the way of his succession. Nor was it to be expected, that the States, irritated by the ill treatment they had met with from England in the course of the negotiations, would hazard any perilous or costly exertions for making good the guarantee of the protestant settlement.

The predominant fears of the people for the protestant religion disposed them, to interpret every incident and public measure to the discredit of those who had the present direction of affairs. Taking it for granted, that a design was on foot for altering the succession, they were easily persuaded, that this was the principal business upon which the duke d'Aumont had been sent as ambassador extraordinary from France to the court of London. Instead of those acclamations of joy, with which he had at first been received by the multitude, as the messenger of peace, he was exposed to insult and danger as often as he appeared in public. They assembled in a turbulent manner for several successive days at the gates of his house in Ormond-street; and, after being dispersed by the constables, returned, under night, to exhibit monuments of their contempt for the ambassador and his master. His house was at length burnt to the ground; and, as he had received letters warning him of that event, there was strong reason to conclude that it had been occasioned by malicious contrivance.

26th Jan.

<sup>7</sup> Cunningham, vol. ii. passim. Oldmixon, door in the night-time, alluding to a popular calumny, that wines, silks, and French goods were sold at his house, duty free, for his own profit. Tindal, vol. x. p. 60. <sup>8</sup> The people used to exclaim whenever they saw him, "No papist, no pretender." They put up the sign of a bunch of grapes at his door. Id. p. 61.

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The treaty, between the French king and the emperor, was attended with circumstances which added to the public alarm. The English and the Dutch plenipotentiaries were entirely excluded from the negotiations at Rastadt; and, notwithstanding that the French king was now in the career of victory, having taken Friburg and Landau, which made it easy for him to penetrate into Germany, he granted the emperor more favourable terms of peace than he had offered at Utrecht. What other motive could be assigned for such conduct, but his wishing to be in a condition to render more effectual assistance to the pretender upon the event of the queen's death? The joint resolution of Lewis and the emperor, to refuse the protestants in Germany the privileges, which the English and Dutch had every reason to expect at an early stage of the negotiations, gave an irrecoverable blow to the reformed interest on the continent<sup>10</sup>.

The insolence and forwardness of the Jacobites during the elections; the return of several persons who had been outlawed for adhering to king James, and the dispersion of pamphlets in favour of the pretender's title and character, were all considered, even by those persons who were free from the bondage of party, as evidences of the indifference and supineness of the present ministers with respect to the protestant succession<sup>11</sup>.

The direful fate of the Catalans was a topic well fitted for moving the compassion of the multitude. After having been drawn into the war by the promises of the British court, they had been surrendered to the vengeance of their common enemy, and consigned to the fate of rebels<sup>12</sup>.

## 2. The

<sup>10</sup> Memoirs of the Four Last Years, p. 268. These suspicions were increased by the circumstance of Seignior Passionei, the pope's agent, being admitted to the congress between the French and Imperial plenipotentiaries, while the same indulgence was refused to the English and Dutch ministers. Cunningham, vol. ii. p. 439.

<sup>11</sup> Political State, vol. vii. p. 441. Cunningham, vol. ii. p. 440. A Tender and Hearty Address to all Freholders. Lond. 1714.

<sup>12</sup> In defence of the ministers, it was argued, that the first overture of revolt was made by the Catalans, and accepted by England; and that she was not the principal, but accessory

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2. The reputation and interest of the present ministers were impaired by intestine jealousies and disputes, which alienated them from one another, and divided the counsels of the cabinet. While the business of the peace was depending, an associated and common interest rendered it necessary for the earl of Oxford and lord Bolingbroke to maintain the appearance of unanimity and confidence; but, after its conclusion, their discord and reciprocal hatred, which had been lamented by their friends in private, could no longer be concealed from the public eye. Every new promotion was a source of contention between the rival ministers, who were secretly plotting each other's destruction. It was suspected that lord Bolingbroke had for some time been carrying on a correspondence with the duke of Marlborough, who had rejected all terms of conciliation with lord Oxford; and there can be little doubt, that the duke's confidential friends would be let into the secret, so far at least as was necessary to animate their hopes, and stimulate their efforts to overturn the present administration<sup>13</sup>. From several transactions during the last session of parliament, it was evident, that the treasurer and secretary were at variance in council; and the censure, attached to public measures, was thrown upon the one or other, according to the partiality and prejudices of individuals. So many prognostics of a rupture in the cabinet raised the spirits and expectations of members in opposition, and loosened and distracted the affections of those who had hitherto supported the administration<sup>14</sup>.

3. The precarious state of the queen's health created universal agitation and anxiety, and increased the perplexity of those who directed the affairs of government. During the interval of parlia-

mentary to the war. She engaged to obtain a confirmation of all their privileges from king Charles, which, therefore, depended upon his success. The ministers had done as much as they could by procuring the mediation of the French king in behalf of the Catalans; and an amnesty, and a grant of all the privileges of Castilians, upon the condition of their acknowledging king Philip. Case of Lord Bolingbroke, p. 13. London 1715.

<sup>13</sup> Stuart's Papers, 1714. Tindal, vol. x. p. 70, 71. Oldmixon, vol. ii. p. 508, 9.

<sup>14</sup> Examiner, 16th November. Swift's Letters, Nos. 55. 60. 70. 72. 80, 81, 82, 83. 89.

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ment, she had frequently been rendered incapable of attending upon council by the increase of bodily disease and infirmity. In the month of December she was attacked by a fit of the gout, and a feverish disorder, which lasted several days, and was attended with the most dangerous symptoms. This event, instead of suspending, as might have been expected, the conflicts of her servants, who had every thing to fear from the loss of their mistress, only removed the restraint imposed by a respect for her presence; and opened a vent for their smothered rancour to burst forth into the most indecent expressions of scurrility and reproach<sup>15</sup>.

The general alarm for the safety of the protestant succession, fomented by the Whig leaders, increased the burden of ministerial trust, and excited embarrassments, from which nothing but a firm union among themselves could have extricated them. It appeared indeed almost impossible to remove the disquiet and apprehensions of the well wishers to that succession, without having recourse to measures, inconsistent with the tenderness and decorum, which the infirmities, as well as the rank of the sovereign, exacted from all her dutiful subjects.

The state of public credit deeply affected the present temper of the people, retarded and cramped the operation of those expedients, which had been devised for alleviating some of the most oppressive burdens. The stocks had been gradually sinking since the dissolution of parliament, and a run upon the bank, while the queen was indisposed, continued till her recovery was publicly announced in all the newspapers<sup>16</sup>.

<sup>15</sup> Conduct of Oxford, passim.

<sup>16</sup> Political State, vol. vii. p. 96. The South Sea stock had fallen so much, that the treasurer could not raise the sum of three hundred thousand pounds upon its credit. But upon issuing an order that every subscriber of one hundred pounds to the loan should be entitled to buy tickets in the lottery, more than the three hundred thousand pounds were subscribed. The treasurer taking the advantage

of this raised the loan upon this fund to five hundred thousand pounds.

The South Sea stock was deeply affected by acknowledging the right of Philip to the Spanish monarchy. The profits arising from it depended, in a great measure, on the favourable conditions for carrying on the West India trade, stipulated to England by king Charles. Letter concerning the South Sea Stock. Lond. 1711.

Such

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Such was the state of parties and public affairs, when the new parliament, which had been frequently prorogued on account of her majesty's illness, was opened by commission on the 16th of February 1714. Sir Thomas Hanmer, who had acquired great popularity by his opposition to the commercial treaty, was recommended to the chair by some of the whig members, and chosen without opposition.

On the 2d March, the day after the proclamation of peace with Spain, her majesty went to the house of lords, and addressed the new parliament to the following purpose. She expressed much satisfaction in being able to announce the ratifications of the treaties of peace and commerce with Spain; and promised, that every exertion should be made on her part to complete the *settlement* of Europe. She congratulated her subjects upon being delivered from a consuming land war, and entering upon a peace, the good effects of which, nothing but intestine divisions could obstruct. The general joy, expressed upon her recovery from her late indisposition, she considered as a grateful return for the tenderness and affection which she always had for her people. She wished, that effectual care had been taken to suppress seditious papers and factious rumours, by which ill designing men had succeeded in depressing public credit. She spoke with warmth, on the malicious intentions of those, who insinuated that the protestant succession was in danger under her government; and said, she hoped they would all agree with her, that any attempts to weaken her authority, and render the possession of the crown uneasy to her, could never be the proper means of strengthening the protestant interest. She asked supplies for the current service of the year, and for the discharge of such debts as should be found reasonable, and concluded with recommending to parliament, to assist her in obtaining such fruits from the peace, as might render it a blessing to the present age and posterity.

The addresses from both houses were acceptable to her majesty. 3d March. The lords testified the utmost detestation at those who spread seditious

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tious papers; and who insinuated that the protestant succession was in danger under her majesty's government. The commons not only expressed astonishment at such malicious insinuations; but declared their entire satisfaction with the securities by which that succession was established. Notwithstanding this unanimity in loyal zeal, the eagerness of parties was displayed in both houses, by their hastening to the discussion of topics, which afforded them the opportunity of trying their strength, and giving vent to their rancour against each other.

Under the authority of her majesty's reference to seditious libels, the very day on which the address was agreed to by the lords, the earl of Wharton entered a complaint against a late pamphlet, entitled, *The Public Spirit of the Whigs*, and read a few paragraphs, containing scurrilous reflections upon the Scottish nation, and of those who had made the union; upon which, the pamphlet was immediately condemned as false and malicious. Murphew, the printer, and Barber, the publisher, were taken into custody, together with their principal servants, and examined severally; but, making no discovery of the author, were discharged.

The pamphlet complained of was generally ascribed to Dr. Swift, who had already served the tory minister with superior ability as a polemical writer; and, living on the most intimate footing with the treasurer and secretary, was believed in this, as well as in the publications which he acknowledged, to have thrown out sentiments, which had been dictated, or approved of, by his patrons. The ministers acted with crafty address in every stage of this business, and by the apparent alacrity with which they gratified, or rather anticipated the desire of the movers of the inquiry, they kept the management of it in their own hands, and frustrated its object. While the question was depending, the earl of Marr, one of her majesty's secretaries of state, assured the house, that he had already, in her majesty's name, ordered a prosecution against the publisher, which superseded the farther interposition of parliament. The whig lords, suspecting the

intention

intention of the ministers, and unwilling to relinquish so fit an opportunity of letting loose their vengeance upon an individual, who had done more mischief to their party than any of their parliamentary antagonists, moved for an address to the queen to offer a reward for discovering the author of the *Public Spirit of the Whigs*. The motion was agreed to without the smallest opposition by the ministers, and, in compliance with the address, a reward of three hundred pounds was offered; but no informer appearing, they were extricated from the disagreeable dilemma of either sacrificing, to the resentment of their enemies, a person who had laid them under signal obligations, or of rescuing him by an offensive interposition of prerogative.

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<sup>17</sup> Political State, vol. vii. p. 230, &c. Journals Lords, March passim. Barber, who printed the *Public Spirit of the Whigs*, was the editor of the gazette, which strengthened the suspicion of the ministers being privy to it. Her majesty complied more readily with the desire of the house of lords because she was greatly prejudiced against Dr. Swift by Dr. Sharp and the duchess of Somerset. Letter of Schutz, &c. to Robethon, &c. Feb. 1714. Hanoverian Papers. When the former heard of an application having been made to her majesty for a bishopric to Dr. Swift, he said, that he wished she could first make him a Christian. The duchess of Somerset, who had much of the queen's confidence, embraced every opportunity of insinuating into her mind the most unfavourable impressions of the doctor. She was actuated by resentment against him, for his having drawn her character with raillery and satire in the *Windfor Prophecy*. Sheridan's Life of Swift, p. 147. These circumstances account for Dr. Swift's having been so long without preferment. Notwithstanding his extraordinary talents and important services to the present cabinet, and the promises made to him by the earl of Oxford and lord Bolingbroke, the queen had determined that he should never be made a bishop, and Dr. Sterne, in consequence of Swift's recommendation, was promoted to the bishopric of Dromore, May 1713, that the duke of Ormond might have it in his power to confer the deanery of St. Patrick's on the latter.

Dr. Swift's enemies represented him as a person void of all sense of religion. The earl of Nottingham, arguing against the schism bill, which required every teacher of youth to have a licence from the bishop of the diocese, said, "My lords, I have many children; I tremble when I think that a certain divine, who is hardly suspected of being a Christian, is in a fair way of being a bishop, and may one day give licences to those who shall be entrusted with the education of youth." Lords' Debates, vol. ii. p. 425. These accounts of Swift's character are to be imputed to the malice of party, for there are strong reasons for believing that his profession of religion was sincere.

The candid reader, from the circumstances now recited, will be readily disposed to find an apology for that chagrin and ill-temper, which darkened the latter days of Dr. Swift. He was conscious of the superiority of his abilities; he had been eminently useful to the court, and to the ministers, who had held out to him the fairest prospects of preferment. He had set his heart particularly upon the office of historiographer to her majesty, for which he was eminently qualified; but he was disappointed in this, as well as in all his other views of preferment; and, after the death of the queen, persecuted by the mean and unrelenting resentment of that party which gained the ascendancy both in England and Ireland. Swift's Letters passim, particularly No. 139.

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While this business was agitated in the house of lords, a more direct and successful attack was made in the house of commons upon another author, who had long been distinguished as a zealous champion of the Whigs. Mr. Foley, auditor of the impressed accounts, complained of the seditious tendency of three several pamphlets, namely, the Englishman, the Crisis, and a Letter to the Englishman, all subscribed by the name of Richard Steele, a member of that house<sup>18</sup>. Mr. Steele, after being allowed a few days to prepare his defence, was heard; but, instead of attempting to soften the censurable passages in his pamphlets, he gave new cause of provocation, by glorying in what he had done, and declaiming, with the most pointed animadversion, against the measures of administration<sup>19</sup>. He was warmly supported by the ablest speakers on the side of the Whigs, and particularly by Mr. Walpole, who inveighed against the treasurer for patronising many late seditious publications, adverse to the protestant succession. The zeal of the Tories, who were the majority, superseded the necessity of long or elaborate replies; and the motions for finding the pamphlets seditious, and for expelling Mr. Steele the house of commons, were carried by 245 against 152 votes.

The various questions, which, either directly or consequentially, related to the succession, occasioned the most interesting debates, and the most unexpected divisions in both houses during this session. The several facts already mentioned, suggested to all the friends of

<sup>18</sup> He was chosen a member of this parliament for the burgh of Stockbridge, upon which he resigned his office as one of the commissioners of the stamps. The present ministers had discovered great lenity in not dismissing him from office, notwithstanding his frequent and virulent attacks upon them. This was owing to the intercession of Dr. Swift, who had a great respect for Mr. Steele. After all, it is a curious fact, that Mr. Steele was not the author of the Crisis. It was written by Mr. William Moore, who followed the profession of the law, after the accession of the Hanoverian family. He made known the

secret to the whig leaders, in order to recommend himself to preferment. *Appendix*, N<sup>o</sup> XXXIV.

<sup>19</sup> He said that he had written and published these pamphlets with the same cheerfulness and satisfaction with which he had abjured the pretender. *Political State*, vol. vii. p. 246. In the interval between his accusation and defence, Mr. Steele moved, 15th March, for an address to her majesty, for the representations of her engineers, intrusted with inspecting the demolition of Dunkirk; but the previous question was carried.

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the protestant interest, the expediency of the speedy interposition of parliament to strengthen the act of settlement, and to defeat every combination formed against it. The party in opposition urged this business with greater ardour, because it was likely to furnish them with the most effectual means of disuniting the members of administration, and either rendering them more unpopular, or depriving them of the royal favour. After the solemn and repeated assurances, which her majesty had given of her zeal for maintaining the protestant succession, every expression of alarm, and every new demand for its security, especially by her personal interference, implied a suspicion of her honour, which, together with the ideas naturally excited by this subject, distressed and shocked her mind<sup>20</sup>. The provisions, necessary for conveying a private inheritance to the fondest object of affection, are often delayed to the closing scene of life by persons of distinguished prudence, merely on account of the unpleasant thoughts which they suggest. Every new application to the queen concerning her successor was a knell to her heart, confirming, by the voice of a nation, those fearful apprehensions which arose from a sense of her increasing infirmities. Under these impressions, she naturally expected every exertion upon the part of her ministers, to protect her from a mortification, aggravated by the peculiar delicacy of her situation, and the ingratitude of the persons from whom it originated. On the other hand, it was not easy for the ministers to gratify their mistress by obstructing any reasonable proposal for the farther security of the Hanoverian succession, without falling under a suspicion of favouring the pretensions of her brother.

The general question concerning the danger of the protestant settlement was introduced in both houses, as the basis of subsequent measures for multiplying its securities. This question, in its simple form,

<sup>20</sup> When the succession was mentioned to Bothmar, 29th Sept. 1713. Hanoverian the queen, she always turned the conversation to another subject. Schutz's Letter to

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after various and long debates was negatived in both houses<sup>21</sup>. From the small majority against it in the house of lords, and the respectable character of some members in both houses, who supported the affirmative, the triumph of the ministers was not without alloy, and the purposes of the Whigs were not altogether frustrated by their defeat<sup>22</sup>. The alarm for the protestant succession was now propagated under the sanction of those, who, in all other questions, sided with the ministers, and were supposed to separate from them in this, from the pure impulse of conviction and patriotism.

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But though the general question was lost, particular motions of the same spirit and tendency were carried in both houses. The application of the queen to the duke of Lorraine, agreeably to the address of the lords in the last parliament, for sending her brother out of his dominions, not having been complied with, a general suspicion arose, that it had not been urged with sincerity; and it was even insinuated, that the unfortunate prince had put himself under the duke's protection in consequence of a secret article agreed to by the plenipotentiaries at Utrecht<sup>23</sup>. It was expected, that the investigation of this subject would lead to a disclosure of the real temper and views of the court. Both houses addressed her majesty to lay before them an account of the steps she had taken, pursuant to the address of the lords in the last parliament, for removing the pretender

<sup>21</sup> Journals Lords, 3d; Com. 15th, 16th April. The words of the question were, whether the protestant succession was in danger under *her majesty's administration*. The Whigs, observing that this expression was offensive to several members, because disrespectful to the queen, wished to make the question general, but the ministers opposed any alteration; and the issue of the vote, contrary to the intention of the movers, was ascribed to this circumstance. Political State, vol. vii. p. 315. The votes in the house of lords stood 76 against 64. In the house of commons the question was negatived without a division.

<sup>22</sup> Tindal, vol. x. p. 172. Lord Anglesey, and the archbishop of York, in the house of lords, and sir Thomas Hanmer, &c. in the house of commons, who were Tories, voted with the Whigs.

<sup>23</sup> The proposal of the chevalier's residing at Lorraine came from the French agent. Messenger, p. 280. The queen certainly was not serious in her remonstrances against his continuing there; for a considerable time intervened between the application of the parliament and the letter written by her majesty for that purpose. Report of the Secret Committee, p. 134.

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from the dominions of the duke of Lorraine. Upon assurances that her majesty had complied with that request, she was again addressed to continue pressing instances with the duke of Lorraine and the emperor to remove her brother from their dominions; and, at the same time, to offer a premium in her own name for apprehending him in case of his landing in Britain or Ireland<sup>24</sup>. The observations and motions, introduced in the course of the debates upon this subject, not only reflected upon the honour of the queen, but did violence to those affectionate feelings which probably never were extinguished in her breast; and seemed to have grown stronger upon the decline of her health. It was urged by the members in opposition, that it was incredible a petty prince of the empire should dare to resist the demands of such a powerful sovereign, supported by the united voice of her parliament and people; that from the strain of a letter, said to be written by the duke to the queen, now in the hands of the public, he obviously understood her majesty's application to be a piece of empty formality, and had her previous consent for the hospitality with which he entertained her brother<sup>25</sup>. Upon the motion for addressing her majesty to offer a premium for apprehending the pretender, it was proposed by the earl of Wharton, to add the words, whether *dead or alive*; and this barbarous idea was espoused by some of the most respectable names in the whig list, but, for the honour of the legislature, rejected by a great majority with that indignation which it justly merited. Attending to these circumstances, we are not surprised that the queen deviated from her ordinary respect to official ceremony, and answered the lords in terms expressive of her uneasiness and displeasure. She said, "that she

8th April.

13th.

<sup>24</sup> Journals Lords and Commons, passim.  
<sup>25</sup> History of the First and Second Session of the last Parliament, p. 54. The Whigs and the Jacobites were equally industrious in dispersing copies of the duke's letter, which contained ample testimonies of the virtues and amiable character of the chevalier. The for-

mer believed it to be well calculated for convincing the nation of the insincerity of the court, and the danger of the protestant succession; the latter hoped that it would promote an esteem for the character of the successor whom they favoured. Idem, p. 32.

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"strengthen

CHAP. XXIII. "strengthen the succession of the house of Hanover, and her own government, if an end was put to these groundless fears."

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A coincident transaction, originating with the Whigs, contributed to exasperate the queen; and to overwhelm her with inexpressible perplexity and dismay.

After the meeting of the parliament, the Whigs had renewed their application to the electoral prince for his pecuniary aid, which they could not prevail upon him to give in any degree suitable to their expectations<sup>26</sup>. Dissatisfied with his conduct, they were almost tempted to discontinue any farther exertions for serving him; but many of them had gone too far to retreat without personal danger. Some, we may fairly suppose, were influenced by the most honourable motives, being truly persuaded, that the protestant succession, essential to the freedom of the nation, was endangered from the measures of the present administration. Under this impression, they found it necessary to adopt some expedient for constraining the elector to take an ostensible part in the political affairs of England. By the advice of the whig leaders, baron Schutz, envoy extraordinary from the court of Hanover, waited upon the chancellor, and, in name of the electoral prince, requested that a writ should be made out for his highness to take his seat in the house of peers as duke of Cambridge; and, at the same time, intimated that it was the intention of the elector to reside in England, and attend his duty as a member of the house of lords<sup>27</sup>. The chancellor, being

<sup>26</sup> So far from being disposed to give pensions to his friends, the Hanoverian agent was soliciting a pension from the queen for the princess Sophia. Robethon's Letter to de Grote, January 1713. Hanoverian Papers. See also Schutz's Letter to Bothmar, 10th, 13th October; also to Robethon, 30th, 31st October; Bothmar's to Robethon, 30th December.

<sup>27</sup> Political State, vol. vii. p. 322. The author of the Life of Lord Halifax ascribes this project to his lordship. I have seen an original paper written by Mr. Archerly, in which he

assumes to himself the whole merit of this business, and mentions all the circumstances relative to it. It appears that the whig ministers, to whom Archerly applied for preferment after the accession of George I. did not contradict his pretensions; but alleged, in excuse for their not promoting him, that the scheme had never met with the approbation of that prince, but, on the contrary, had been considered by him as officious, and adverse to his interest. Archerly's Case. MSS. Walpole Papers. See also Cunningham, vol. ii. p. 441.

taken

taken at surprise, waved giving any explicit answer to this request, till he had the opportunity of laying it before the privy council. CHAP. XXIII.

After mature deliberation, the ministers judged it expedient to express their willingness to comply with the demand, while every method was used to prevent its being insisted upon or carried into effect. The queen was filled with indignation at the ambassador, and forbade him to appear at court. Mr. Harley, the resident at Hanover, was instructed to complain of the officious insolence of Schutz; and to represent, that any endeavours for bringing the electoral prince into Britain would only operate to the prejudice of his succession; and, when it appeared from the answer of the resident that the design was not laid aside, the queen herself wrote letters to the princess Sophia and the duke of Cambridge, expressing her fixed resolution to oppose, at every hazard, a measure tending to the disparagement of her authority, and the destruction of her private happiness<sup>28</sup>.

It was not easy for the elector to decide upon business of such a delicate nature, and pregnant with difficulties on every side. He was threatened with the desertion of the Whigs, if he did not comply with their invitation; and by the queen, if he did. On the one hand, the former represented his presence in England as the most effectual measure for removing every doubt concerning the sincerity of the queen and the ministers, as well as for securing the fidelity of his own friends, who began to slacken in their zeal for his service<sup>29</sup>. On the other hand, estimating the menaces of the queen by the feelings which were natural in her situation, he had too much cause to fear her carrying them into execution; and besides, upon the supposition

<sup>28</sup> Political State, vol. vii. p. 599. Schutz's Letter, 29th April. Hanoverian Papers, 1714. A proposal was at this time made in the cabinet, for withholding from the elector of Hanover the pay of his troops after the day of his having refused to concur with her majesty in a cessation of arms; but this proposal was thwart-

ed by lord Oxford; and as his opposition disappointed the resentment of the queen, it was afterwards stated, by his rival, as an evidence of his partiality to her successor. Compare History of the First and Second Session, p. 79, and Whitestaffe, p. 34, 5.

<sup>29</sup> Hanoverian Papers, 1713, 14, passim.

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of his residing in England, it was not likely, that the caprice and jealousy of parties would permit him to remain in that state of neutrality, which was the safest and most honourable for himself, while the succession was still in dependence.

In the meanwhile, the steps taken by the Whigs, and the uncertainty of the elector's resolution, contributed essentially to his interest, as it rendered every party more assiduous in professions of attachment to his family. Even the ministers were not behind in these, and thus pledged themselves to prosecute every measure for fortifying his succession, that did not infringe the prerogative or hurt the feelings of the queen. A considerable rise in the stocks was no dubious evidence of the general satisfaction, arising from circumstances so favourable to the protestant settlement<sup>30</sup>.

In the various debates upon the state of the nation, every topic was brought forward, that was calculated to increase the unpopularity of the ministers; or to confirm the suspicion of their designs against the house of Hanover. The case of the Catalans was repeatedly taken under the consideration of both houses; and her majesty was addressed by the lords to continue her intercessions with the king of Spain in their behalf. From the statement of facts, relative to this subject, which was communicated by the ministers, it appeared, that they had not been guilty of the remissness and treachery, imputed to them by the party in opposition.

31st March.  
3d April.

9th.

The Whigs were also disappointed with the result of an inquiry, in the house of lords, relative to the conduct of the treasurer, for distributing the sum of three thousand, seven hundred and sixty pounds annually, among the chiefs of the Highland clans. As several of them were papists and Jacobites, this measure was represented in the odious light of patronising a seminary for rebellion; and adduced as one of the strongest arguments of the hostility of ministers to the protestant succession. It appeared, however, to the satisfaction of the house, that lord Oxford had only followed the

<sup>30</sup> Cadogan's Letter to Bothmar, 7th May 1714. Hanoverian Papers.

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example of king William, who had found such donations the cheapest and most effectual plan for restraining the hands of an uncivilized and numerous body of subjects, whose turbulent spirit and remote situation rendered them capable of giving great disturbance to government<sup>31</sup>.

In the course of several debates on the state of the nation, the opposition often adverted to the number of outlawed persons who had returned to Britain after the peace; to the many publications in defence of the pretender's right; to the enlisting men for his service in Ireland; and to the notorious neglect of the ministers in not prosecuting the offenders in all the cases specified<sup>32</sup>. By constantly pressing these subjects on the attention of the public, under the form of addresses to the queen, the Whigs obtained, in effect, the consent of parliament to the substance of the proposition which had been rejected in its simple form, namely, that the protestant succession was in danger. Her majesty was at length constrained, for the sake of soothing the general alarm, to adopt a measure most painful to her feelings, and to issue a proclamation, offering five thousand pounds to any person who should apprehend the pretender in Britain or Ireland<sup>33</sup>.

23d June.

Although, from the general complexion of their proceedings, it appears, that the house of lords were by no means obsequious to the court, yet they anticipated the other house in proposing an address to her majesty upon the peace, and expressing their approbation of it in the most ample and explicit terms. The adoption of this measure, while inqui-

16th April.

<sup>31</sup> The more discerning Whigs were ashamed for having made this inquiry; it had been suggested by the duke of Argyle, who discovered at this time great repentment against lord Oxford. *Biographia Britan.* vol. iii. p. 203.

<sup>32</sup> *Political State*, vol. vii. *passim*.

<sup>33</sup> There seems to have been some mystery in this proclamation, as both the earl of Oxford and lord Bolingbroke professed to be ignorant of it. "When they were called into council, the queen, giving nobody time to speak, said,

"that she had resolved on a proclamation, which she caused to be read; and then, without asking any body's advice, went out, so that it was all her own act." *Carte's Memorandum Book*, July 9th, 1725. *Stuart Papers*, 1714. It is probable that the queen was struck with a panic at this time, in consequence of a plan having been suggested to her of sending her brother to England; for she was as much afraid of his presence as of the elector's. *Berwick's Memoirs*, vol. ii. p. 187.

CHAP. XXIII. 1714. ries relative to particular conditions of the treaty were still depending, appeared to be rather precipitate and inconsistent; and can only be accounted for from its having obtained the support of some lords in opposition, who perceived, that while the question was in reserve, it cemented the cabinet, which was likely to divide, as soon as the only business, in which it had a common interest, was concluded<sup>24</sup>.

25th June. An act for preventing the growth of schism, which passed in the course of this session, was the most violent infringement upon liberty of conscience recorded in the annals of parliament. The object of it was, not only to give more certain effect to the existing laws for retrenching the political influence of dissenters; but to operate to the extinction of their principles, by rendering them incapable of having any share in the education of youth.

All the arguments, in defence of this act, proceeded upon the supposition that the dissenters had acted criminally, in having availed themselves hitherto of those privileges of which they were now to be deprived. They were represented to have abused the indulgence of the legislature by multiplying schools, and by devoting themselves with diligence and success to the education of youth.

In addition to the arguments against every encroachment upon religious liberty, which had been formerly introduced in questions of a similar nature, it was objected to this bill, that it was barbarous to deprive parents of the natural right of educating their own children; that it would tend to the spread of ignorance and irreligion, because, in many places, the schools were taught only by protestant dissenters; that a number of respectable individuals would be deprived of their only means of subsistence, which arose from teaching youth; that it would prove extremely hurtful to manufacturers and trade, which had been improved by the protestant refugees; that it would be injurious to the honour of the queen, after she had made frequent and solemn declarations to maintain the toleration; and that it would be to the last degree impolitic to widen the breaches among protest-

<sup>24</sup> The commons joined in this address.

ants,

CHAP. XXIII. 1714. ants, and to irritate the dissenters, who were firm friends to the act of settlement, at a time when it was exposed to multiplied dangers, from domestic conspiracies and foreign intrigues<sup>25</sup>. The bill, after having undergone several amendments, was carried in the house of commons by two hundred and thirty-seven votes against one hundred and twenty-six, and in the house of lords by the small majority of eight<sup>26</sup>.

The first report of the commissioners of accounts, which was delivered to the house of commons early in the session, exposed many examples of abuse and extravagance in the foreign service, and some in the management of the revenue of Scotland, under the preceding administration; but, whether it arose from the want of evidence to support the charges alleged, or because the present ministers, on the eve of a rupture among themselves, were looking forward to a coalition with their opponents, no resolutions were adopted on the subject. As the former commission had now expired, a bill passed in the house of commons for appointing a new one; but it was thrown out by the lords, who considered this inquisitorial committee as a two-edged weapon, fitted for the purpose of ministerial vengeance, as well as of public justice and reformation.

The example of the last parliament in overturning the commercial treaty with France, while the ministers were in the height of their power, furnished the opposition with a prospect of success in

<sup>25</sup> Letter to a Member of Parliament against the Schism Bill. *Memoirs of the Four Last Years*, p. 297. *Journals Lords*, 15th June.

<sup>26</sup> *Journals Lords*, 1st, *Journals Commons*, 13th June. In the course of debate upon this bill, in the house of commons, a motion was made by a tory member to drop it, on the condition of the house agreeing to substitute another in its place, for rendering dissenters incapable of voting at elections, or being themselves elected representatives to parliament; from which it appears, that to weaken the influence of the Whigs was the principal design of the bill. It was probably intended at the same time, by the ministers, as an atonement to the high-church party, for having so

long postponed some marked expression of their zeal for the establishment. The conduct of lord Oxford, with respect to this bill, was irresolute and ambiguous. In the cabinet he proposed softening the rigorous clauses; his relations took different sides when it came under the discussion of parliament; and he himself was absent from the house on the day of its final decision. *Political State*, vol. vii. p. 501, &c. *History of the Two Last Sessions of Parliament*, p. 73. The queen died on the day fixed for the commencement of this act; politics taking a different turn, the execution of it was suspended; and it was afterwards repealed in the year 1718.

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5th.

impeaching a similar one with Spain, which was deemed unfavourable to the mercantile interest of Britain<sup>36</sup>. When the trade of England with Spain and the West Indies came under discussion in the house of lords, objections were made to explanations of some articles which had been adopted at Madrid, posterior to the signing of the treaty at Utrecht<sup>37</sup>. An address was presented, beseeching the queen to inform the house in what manner, and by whose advice, the alteration of these articles had been brought about. Her majesty ordered the papers relative to the treaty to be laid before them, but said nothing concerning the persons who advised it.

Independent of any official information upon this subject, the lords found sufficient documents for censuring those articles which related to commerce, and for suspecting the selfish conduct of the persons who advised her majesty to approve of them. At the commencement of this session, several of the most respectable members of the South-Sea company had made a motion, to decline her majesty's offer of consigning to them the exclusive occupation of the Affiento trade, because they had understood that one-half of the profits arising from it was to be withheld. After a warm debate, her majesty's offer was accepted, which however was imputed to political influence, rather than to a persuasion of its redounding to the benefit of the company<sup>38</sup>. Mr. Arthur Moore, who had been employed by lord Bolingbroke to negotiate the commercial treaty with Spain, gave such contradictory answers relative to this transaction at the bar of the house of lords, that it became more mysterious and

<sup>36</sup> By the treaty of commerce it was agreed, that the trade with Spain should be put on the same foot as in the reign of Charles II. of Spain; and that all new duties, exacted since the war, should be annulled; but, by the three explanatory articles added to this treaty, a duty of 10 per cent. *ad valorem* was to be laid on all commodities exported or imported by the subjects of Great Britain, instead of the old duties in the above mentioned reign; which duty was higher than the old duties: the British mer-

chants were also subjected to other restrictions adverse to the trade with Spain.

<sup>37</sup> The treaty of peace with Spain was signed 13th July 1713; but the commercial treaty was not concluded till the 17th Nov.

<sup>38</sup> Political State, vol. vii. p. 171. Dissent. Lords Journals, 8th July. One-fourth of the contract was to be reserved for her majesty, besides perquisites to individuals, deduced from the profits of the company.

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suspected; and, while the business was still depending, the South-Sea company, from a full conviction of Mr. Moore's duplicity and breach of trust, declared him incapable of holding any employment in their service<sup>39</sup>. In the farther prosecution of this inquiry, it was discovered by the lords, that a fourth part of the profits of the Affiento contract had been reserved for her majesty; and there was every reason for believing that this had been done by the advice of some of her favourites, who were themselves to reap the fruits of it<sup>40</sup>. A motion was made for addressing her majesty to resign her share to the company; and, though it was rejected, other motions were introduced with the hope of rendering the inquiry subservient to the disgrace of the persons principally concerned in this business; but, while these were in agitation, the queen unexpectedly came to the house, and put an end to the session<sup>41</sup>.

9th July.

The circumstances attending this inquiry, and the sudden interruption of it, were public proofs of that misunderstanding which had taken place between the earl of Oxford and lord Bolingbroke, as well as of the partiality of her majesty to the latter. The earl and his friends had been eager in promoting an inquiry, which tended to expose the clandestine practices, and to thwart the aspiring projects of his colleague. Her majesty rescued the secretary by the sudden prorogation of parliament.

A remarkable change was observed in the temper of the members in the lower house of convocation, which met together with this parliament. In questions of a political nature, their resolutions were temperate and guarded; and they unanimously joined in the address of the bishops to the queen. Their moderation was not equally con-

6th March.

<sup>39</sup> Journals Lords, 2d, 5th, 6th, 8th July. he thought it unjust to the company. Tindal, vol. x. p. 216.

<sup>40</sup> Lord Bolingbroke, lady Masham, and Mr. Arthur Moore were the persons suspected. Tindal, vol. x. p. 217. Lord Oxford, if we may believe his apologists, declined the acceptance of any share of the profits, because

<sup>41</sup> Political State, vol. vii. p. 570. Her majesty, after this business was introduced, made over to the company her own share of the contract; and received the thanks of the lords for doing it, 8th July.

spicuous in those proceedings, which related to theological controversy and ecclesiastical discipline. They gave in a representation to the bishops, complaining of certain publications by the celebrated Dr. Samuel Clarke, which contained assertions contrary to the faith of the church of England concerning the Trinity<sup>41</sup>. The doctor delivered a paper to the bishops, stating his opinions on the point in question, and expressing his anxiety to preserve the peace of the church, by avoiding to publish any more upon the subject which had given offence<sup>42</sup>. The bishops were so far satisfied with this concession, that they thought it inexpedient to prosecute the complaint. The lower house did not acquiesce in this moderate resolution, because the doctor had not made an explicit recantation of his opinions: the conclusion of the session put a stop to their proceedings<sup>43</sup>.

The sudden prorogation of parliament became the subject of general discussion, and was applauded or condemned, according to the different views which were entertained concerning the motives from which it proceeded, and the effects of which it might be productive. The friends of the exiled family were well pleased with the interruption of a series of measures, which multiplied the obstructions to every attempt in favour of the lineal heir. Many, well affected to the protestant succession, were of opinion, that the lords had carried their jealousies too far; and, sympathising with the feelings of the queen, thought she had done well in adopting a fair expedient for obtaining a respite from the perplexity and distress, to which she was continually exposed during the sitting of parliament. But the prorogation of parliament gave a serious alarm to others, who believed that the protestant succession was in danger; and that the ministers

<sup>41</sup> Political State, vol. vii. p. 495.

<sup>42</sup> History of the First and Second Session of the Last Parliament, p. 20. The doctor declared, that he never had omitted the 3d and 4th petitions of the litany when he performed public service; and that the Athanasian creed had only been occasionally omit-

ted at the morning prayers for the sake of brevity, at the discretion of the curate, and not by his appointment. Idem, p. 20, 21. The queen was greatly offended with the doctor, and struck him out of the list of chaplains.

<sup>43</sup> Political State, vol. vii. p. 561, &c.

only

only wished to have full scope for pursuing their clandestine schemes in favour of the pretender, which had hitherto been restrained by the vigilance and activity of the legislature. This persuasion became stronger from observing, that the course of promotions had been running for some time in favour of persons, suspected of an attachment to the house of Stuart; and that several officers of the army, the best affected to the protestant settlement, had been lately deprived of their commissions<sup>44</sup>.

Roused by these alarming circumstances, the leaders of the Whigs now began to hold frequent consultations, and to concert measures for counteracting those designs which they believed to have been formed by their enemies. The duke of Argyle, general Cadogan, and general Stanhope, were active in preparing the officers, whom they knew to be friendly to the Hanoverian succession, for taking the most likely steps to secure the allegiance of the English army, while the agents of the elector negotiated with the States and other foreign powers for a supply of troops and ships, in case of his finding it necessary to use force for establishing his claim to the crown of Britain. A scheme was formed for seizing the tower upon the first approach of danger; and an association was entered into by several whig leaders for defending the protestant settlement<sup>45</sup>.

After

<sup>44</sup> The duke of Argyle was removed from all his places, April, and the command of the Scottish guards was given to the earl of Dundonald; upon which the duke received ten thousand pounds. Colonel Egerton and colonel Sydney were ordered to sell their companies in the foot-guards, for the sum of a thousand pounds each; and M. General Devenport, to sell his post of lieutenant of the first troop of life-guards. The dismissed officers urged the disgrace they had endured, as a test of their fidelity to the house of Hanover, upon the arrival of George I. Memorial of the Duke of Marlborough. Hardwicke's Collection, vol. ii. p. 522.

<sup>45</sup> Memoirs of the Four Last Years, p. 313.

Tindal, vol. x. p. 143. These proceedings did not escape the notice of the ministers; and, in the course of the last session, lord Oxford had moved for a bill to make it treason to bring foreign troops into the kingdom, 17th March. The motion was ridiculed by the Whigs, because foreign troops, if not brought into the kingdom with the permission of the legislature, were open enemies; but, as the treasurer could not be ignorant of this, his intention probably was, to convey to the Whigs a hint of his being acquainted with their designs.

It is a curious fact, that the duke of Marlborough refused to sign the whig association. Tindal, vol. x. p. 144. From this circumstance,

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After the dissolution of parliament, the discords of the cabinet daily increased; and at length arose to the most indecent violence. The rival ministers were now incapable of reflecting that their cause was still indivisible, and that they must stand or fall together. Every consideration of private interest and reputation was absorbed by the fury of resentment; and for the sake of gratifying it, they put all to hazard<sup>47</sup>. The earl of Oxford and lord Bolingbroke strove to deprive each other of the good opinion and patronage of the queen; and each of them grew more tenacious of his place from the desire of mortifying the other. The treasurer complained of the turbulence, the insolence, and rapaciousness of his rival. The secretary accused the treasurer of betraying the honour of his mistress; of intriguing with the friends and family of the successor, and of concurring with her majesty's enemies at home, to retrench her prerogative and expose her reputation, together with that of her faithful servants, to public infamy. The latter found a powerful auxiliary in lady Masham, whose resentment rendered her now no less eager to disgrace the earl of Oxford, than her ambition had formerly to advance him to pre-eminence in administration<sup>48</sup>.

The

stance, there seems ground to conclude, that he was still wavering, and chose to reserve himself for the juncture of circumstances, at the opening of the succession.

The princess Sophia died on the 9th June, an event which was reckoned favourable to the protestant succession, because her son, vested with royalty, would be enabled to act with greater promptitude and vigour than he could under delegated authority.

<sup>47</sup> Political State, vol. vii. p. 624—6. The earl of Oxford was supported by the duke of Shrewsbury, lord Bingley, the duke of Buckinghamshire, and those of the Tories who were supposed to be friendly to the protestant succession; lord Bolingbroke was supported by lady Masham, the duke of Ormond, the lord high chancellor Harcourt, the bishop of Rochester, and others of the high-church party. Cunningham, vol. ii. p. 440.

<sup>48</sup> Life of Bolingbroke. Oxford's Letter to the Queen. Political State, vol. vii. p. 614. The consciousness of her effectual assistance, in raising lord Oxford to power, rendered lady Masham impatient of his ministerial control in any case where her private interest was concerned, and created expectations, which he could not gratify consistently with honour and duty. Her displeasure was first excited against him by his opposing the Canada expedition, 1711, the command of which was given to her brother; and, as lord Bolingbroke had a joint stake in that affair, it naturally promoted a coalition between him and the lady, for the purpose of subverting the treasurer's influence with the queen. The earl of Oxford farther incurred lady Masham's resentment, by disapproving of the queen's generosity in granting her a pension of fifteen hundred pounds per annum; and her

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The cabinet at length became a theatre of wrangling and scurrility. Reproaches and recriminations, vented by the indignant rivals in the very presence of the sovereign, insulted her dignity, and filled her with perplexity and dismay. A regard to public business, as well as to her own tranquillity, left her no alternative but the dismissal of one or both of the contending ministers. The staff was taken from the earl of Oxford, at Windsor, on the evening of the 27th July<sup>49</sup>, before her majesty had yet fixed upon his successor. His removal did not restore that interior harmony which was expected. For, after it had been agreed to put the treasury into commission, the privy counsellors present were divided in their opinions about the persons fittest for that important trust. The heat of their disputes, prolonged till two in the morning in her majesty's presence, threw her into dreadful agitation, which was followed by such an alarming disorder as rendered her unable to come to the council next day, when she intended to settle the new arrangements<sup>50</sup>. On the 29th, the symptoms of danger increased, and indicated, on the day following, a speedy approach of her dissolution.

The duke of Somerset, and the duke of Argyle, when they were informed of the queen's situation, repaired immediately to Kensington, where the privy council was sitting; and readily accepted

her indignation against him rose beyond all bounds, for his promoting the inquiry into the Assiento contract, which deprived her of the immense profit, which she expected to derive from being a partner in it under the royal name. "He has been," says she in a letter to Dr. Swift, 29th July 1714, giving him the nickname of the Dragon, "the most ungrateful man to the queen, and to all his best friends, that ever was born."

<sup>49</sup> Lord Oxford says, in a letter to Dr. Swift, that he had no power in the cabinet since the 25th July 1713. Swift's Letters, N° 147. Both he and lord Bolingbroke had for some time past been courting the whig lords; and it was said, that the discovery of

lord Oxford's inviting the duke of Marlborough to come to England, and of his making known the queen's counsels to the court of Hanover, was the immediate cause of her majesty's displeasure. Political State, vol. vii. p. 623. The day the treasurer's staff was taken from lord Oxford, lord Bolingbroke gave an entertainment to generals Stanhope, Cadogan, and Palmer, Sir William Wyndham, Mr. Craggs, and several Whigs.

<sup>50</sup> The queen ascribed her illness to the agitation of her spirits; and said to one of her physicians, that she should not outlive it. Tindal, vol. x. p. 227. Swift's Letters, N° 148, 149.

of.

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31st July. of an invitation from the ministers to assist with their advice at the present interesting juncture. It appeared of the greatest importance, that the office of treasurer should be filled; and the council unanimously agreed to recommend the duke of Shrewsbury to her majesty as the fittest person for that appointment; which being intimated to her, at an interval of ease, she put the treasurer's staff into his hands, and expressed her entire satisfaction with the disposal of it."

All the privy counsellors in London were called to give their attendance in council. The most expeditious measures were concerted for securing the city, and for strengthening all the forts and maritime towns. Mr. Craggs was dispatched to the court of Hanover, that the elector might be prepared to set out for England upon the first notice of the queen's death. In the evening, after she had appointed the new treasurer, her majesty fell into a lethargy, and continued insensible till she expired on the morning of the 1st of August, in the fiftieth year of her age.

Mildness, timidity, and anxiety were constitutional ingredients in the temper of this princess; and to their influence, chiefly, we may ascribe most of the interesting occurrences in her government, and private life. While she relied implicitly upon the counsels of her favourites, they were not restrained, by the fear of her resentment, from abusing indulged power, and violating the obligations of gratitude. Although she had imbibed all the keenness of a party spirit, yet she was deterred from pursuing its impulse by the first appearance of danger. She discarded the Tories, who, from the confidence of her patronage at the beginning of her reign, were running into a course of measures, tending to the disunion of her subjects, and the danger of the protestant succession.) Under the awe of a ruling junto, she gave her sanction to the continuance of the war, contrary to the bent of her own judgment and feelings, at a time when

"Tindal, vol. x. p. 229.

she

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1714. she had the opportunity of putting an end to it, upon terms more advantageous for Britain, than those which were finally obtained. Harassed at the close of her days by the jealousies of the Whigs, and their urging securities for the protestant settlement, which did violence to her affections, she was prevented by the apprehension of personal danger, more than by principle or inclination, from taking any resolute steps for transferring the succession of the crown to her brother.

She had high notions of prerogative, which however produced no worse effect, than rendering her partial to its advocates.

The ingratitude of her first favourites rendered queen Anne more suspicious and guarded, after their dismissal; and a distrust of her ministers, and an unwillingness to yield to their advice in the last years of her reign, were one cause of their slowness in the prosecution of that system of measures, which was expected from the promises they had made to the Tories, before they came into power. They had gained the queen's favour by recommending to her the exercise of independent authority; and this made her afterwards the more positive in resisting any proposal which did not immediately meet with her approbation."

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"This view of the queen's character, which has not been attended to by any historian, is authenticated by Dr. Swift, who had the best access to know her from the information of her ministers. "I will tell you one great state secret: The queen, sensible how much she was governed by the late ministry, runs a little into the other extreme, and is jealous in that point, even of those who got her out of the other's hands." Journal to Stella, February 1711.  
"The queen grew so jealous upon the change of her servants, that often, from fear of being imposed on and over caution, she would impose upon herself. She took a delight in refusing those who were thought to have had the greatest power  
"with her even in the most reasonable things, and such as were necessary for her service, nor would let them be done, until she fell into the humour of it herself." Swift's Memorial on the Change of Ministry 1710.  
"In dispensing her favours, she was extremely cautious and slow; and, after the usual mistake of those who think they have been imposed on, became so very suspicious that she overshot the mark, and erred on the other extreme. When a person happened to be recommended to her as useful for her service, or proper to be obliged, perhaps, after a long delay, she would consent; but if the treasurer offered at the same time a warrant, or other instrument to her, already prepared, in order to be signed, because



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This princess has had the singular fate of being both praised, and condemned, for her conduct as a relation. By one party she has been represented as an amiable pattern of domestic tenderness; and by another, as an odious example of filial depravity. She was a kind and dutiful wife; and though encumbered with the cares of royalty, and depressed with bodily infirmities, she never omitted the minutest conjugal respect, and attended the sick-bed of her husband with sympathy and tenderness, almost unexampled in the higher ranks of life. She loved her children with the fondest affection, and paid the most assiduous attention to their health and education. But she has been accused of hard-heartedness in abandoning her father in the hour of his extremity.

While we ascribe what all have approved of, in the domestic behaviour of Anne, to a sense of duty, and her own native disposition, we ought not to overlook those peculiar circumstances in her situation, which afford some apology for the suspension of natural affection, though they do not amount to a justification of it. The habit of a blind deference to the advice of lord and lady Churchill, and a conscientious anxiety for the protestant religion, exposed to the extremity of danger, stifled the emotions of filial tenderness, in a moment of singular agitation and perplexity, and precipitated her into an action, which would have been inexcusable, if it had been the result of cool deliberation, and originated from motives of interest and ambition.

In all the different stations she filled, this princess had the merit of observing the strictest rules of œconomy, in the management of her fortune; while she was not deficient in charity, and exceeded in bounty to her favourites.

"because he presumed on her consent before-  
"hand, she would not; and thus the affair  
"would sometimes be for several months to-  
"gether, although the thing were ever so  
"reasonable, or that even the public suffered  
"by the delay. So that the minister had no  
"other remedy, but to let her majesty take  
"her own time, which never failed to be the  
"longest the thing could suffer." Swift's  
Enquiry into the Behaviour of the Queen's  
last Ministry.  
It is a remarkable fact that no person was  
executed for treason in Britain during the  
reign of queen Anne. Tind. vol. x. p. 256.

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In the discharge of religious duties, she was regular and exemplary. Her zeal for the prosperity of the church was attested by extending the means of public instruction; by augmenting, at her own expence, the livings of the poor clergy; and by expressing, on all occasions, a solicitude for the purity of the clerical character.

She possessed a considerable degree of taste for the fine arts; amused herself with music and painting; and delivered her public speeches with a melodious propriety, that charmed the ears of her audience.

The deceitfulness of grandeur, as a criterion of happiness, has often been inferred from the condition of royalty; and was remarkably verified in the life and reign of queen Anne. We behold a nation rising, under her auspices, to the summit of prosperity. While signal success crowned her military exertions abroad, agriculture, commerce, manufactures, science, and literature, advanced, with rapid steps, at home; every event, and every improvement, which contribute to the opulence, the power, and the renown of a nation, distinguish the reign of queen Anne, as the most propitious and brilliant recorded in the annals of Britain. But when we follow this princess into retirement, and survey the incidents of her private life, what a contrasted scene discloses itself to view; and how much are we struck with the wide distinction between external grandeur, and personal felicity!

She survived a numerous family of children<sup>24</sup>; the duke of Gloucester, destined by the act of settlement to succeed her, lived to the age of twelve; and exhibited early blossoms of every accomplishment, that could elevate the hopes of a nation, and delight the heart of a parent.

The possession of a crown, held upon the condition of ratifying the degradation and exile of her own family, must have cost her many a pang, which she durst not impart to the most confidential

<sup>24</sup> Six daughters and three sons.

friends. While looked up to as the first potentate in Europe, and loaded with congratulations upon the success of her arms, she was a slave in her own house; and subjected to daily affronts and mortifications, from the insolence and usurpations of her servants. Emancipated, at length, from her chains, she only entered upon a new scene of vexation and trial; and all her remaining days were embittered by the jealousies of her people, the turbulence of faction, and the contentions and outrage of a distracted cabinet.

## D I S S E R T A T I O N

CONCERNING

The Danger of the PROTESTANT SUCCESSION, during  
the last Years of the Reign of Queen ANNE.

THE danger of the protestant succession was the point upon which the Whigs endeavoured to enflame the nation as often as they were out of power, and which they urged, with greater vehemence and success, at the close of this reign. It was the spring of the principal motions introduced by opposition, and occasioned the most interesting debates in both houses during the last parliament. It was a subject that gave great uneasiness to the queen, embarrassed administration, and agitated the people more than any other that occurred in the whole course of this reign. It cannot therefore be deemed a superfluous labour, to descend into an accurate and full detail, of all the circumstances and facts relative to a topic of such distinguished importance, and of the conclusions drawn from them at the time when they happened. From these the reader will be enabled to judge upon the following questions; Whether the protestant succession was actually in danger; to what extent it was so; and whether there exists any evidence of a design having been formed by the tory ministers, collectively, or individuals of that description, separately, or by the queen herself, for securing the succession of the crown to her brother.

The

## DANGER OF THE PROTESTANT SUCCESSION

The prosecution of this design will impose the necessity of repeating shortly some facts already mentioned in this history, and of insisting largely upon others, which, though they ought to have had an earlier place, agreeably to chronological arrangement, derive their chief interest from their relation to the subject under review.

In every period of the reign of queen Anne, as well as in that of king William, a correspondence was carried on between the court of St. Germain and their friends, in England and Ireland. Professions of good-will to the exiled prince were made verbally to his agents, and sometimes certified under their own hands, not only by persons originally attached to his interest, or those that had become so from the irritation of disappointments, but by a few, who were numbered among the friends of the house of Hanover, and trusted by the government. Those obligations, which restrained persons, who were in office under king William, from professing attachment to the abdicated sovereign, lost much of their influence at the accession of queen Anne. The right or claim of William, and of James, were contrary and irreconcilable. The enforcement, or effect of the one, was founded on the exclusion and destruction of the other. The profession of allegiance, and the tender of service, made by any of the ministers of king William to his predecessor, were a direct and flagrant violation of probity and honour. But the right of queen Anne appeared to the Jacobites more perfect than that of William, because it was of a lineal or hereditary nature, a qualification, upon which they laid the principal stress. Nor did the acknowledgment of her title militate to the final overthrow of her brother's. As it seemed probable from his youth and health that he would survive his sister, it was only a temporary superseding, or postponing his actual authority, to a period, when it might be hoped that the juncture of events would remove dangers, which must have attended his accession immediately upon the death of William. He might change his religion, or satisfy the nation by giving ample securities for the prevention of mischief, dreaded from his adhering to it. The queen,

## IN THE LAST YEARS OF Q. ANNE'S REIGN.

queen, whatever she declared or intended at present, might alter her sentiments, and wish to devolve the succession upon her brother.

Upon these principles and conjectures, it appeared to some, that there was no dishonour and little danger in a divided allegiance; and that they might look forward to the lineal heir without any breach of their fidelity to the reigning prince. Supposing that there had existed no correspondence with the court of St. Germain, and that no definitive resolutions for serving it had been adopted, yet the influence of principles so specious, and of conjectures so probable, increased the hazard of the protestant settlement, and the fears of its defenders<sup>1</sup>.

The ascendancy of the Tories, and the peace with France, were considered as events unfavourable to the protestant succession, because the former were suspected of having a partiality to the doctrine of hereditary right, and because the continuance of the war had hitherto cramped the intrigues of Lewis, who was supposed to have an interest in establishing the right of the pretender<sup>2</sup>.

From vague, indeterminate suspicions, the party in opposition advanced to direct and specific charges against the ministers. It was asserted, that though, in order to lull the Whigs into security, they had exacted an open and formal recognition of the queen's right, and the act of settlement, by the French king, yet they had secretly consented to reservations which he had made for evading them, upon the vacancy of the crown of England<sup>3</sup>.

The repeal of the barrier treaty, which bound the States to defend the protestant succession, was an incontrovertible diminution of its security; and the precipitancy and dictatorial spirit, with which the English ministers conducted the negotiations at Utrecht, were considered as disrespectful to the elector, and injurious to his interest on the continent<sup>4</sup>.

<sup>1</sup> Macpherson's State Papers, passim.

<sup>2</sup> The Englishman; Crisis; and Pamphlets of the Times.

<sup>3</sup> Idem. Report of the Secret Committee, p. 26.

<sup>4</sup> The Barrier Treaty vindicated.

The familiar intercourse, opened between the courts of London and Paris after the peace, and the minute complaisance of the French king in sending presents to the queen, which were well received, circumstances similar to what had happened during the reign of Charles II., created suspicions, that the intriguing spirit of Lewis was not yet at rest, and that its present object was the exaltation of a prince, who had imbibed every prejudice favourable to the ambition of his patron<sup>1</sup>.

The residence of the chevalier in the territory of the duke of Lorraine, at no inconvenient distance for carrying on a correspondence both with the court of France and his friends in England, gave a just alarm to the partisans of the house of Hanover. The ineffectual applications of the queen for his removal, with other incidents afterwards to be mentioned, only served to confirm the Whigs in their opinion, that her application had not been made with sincerity; and that she was not indifferent to the cause of her brother.

The growing infirmities of the sovereign rendered the Whigs more urgent in demanding additional securities for the Hanoverian succession, and the reluctance of the queen to comply with them, and particularly her opposing the electoral princes coming to England, were at length deemed demonstrative proofs of her alienation from that family. It was natural for the Whigs to fear, that their importunity, as it had failed of success, would provoke the queen to adopt measures fatal to their hopes<sup>2</sup>.

Foreign transactions, compared with the measures of administration at home, began to wear a threatening aspect. After the news of the queen's illness reached France, several battalions were ordered to march towards the northern coasts there, under the pretext of changing the garrisons. From the station in which they

<sup>1</sup> Political State, vol. vi. p. 48.

<sup>2</sup> Letters of Schutz to Robethon, Jan. and

Feb. 1714. Letter of Kreyenberg to Robethon, 27th Feb. 1714.

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were placed<sup>3</sup>; and the expedition with which ships of war were at the same time fitting out in all the French ports, the ministers of the elector were persuaded, that Lewis was preparing for the invasion of England, upon the first notice of the queen's death<sup>4</sup>.

Nor did the hopes of the exiled prince depend upon the court of France alone: intercessions were carried on, in his behalf, by the envoy of the duke of Lorraine, for procuring the friendship of the court of Vienna; and it was deemed no unfavourable token of success, that a proposal for marrying him to one of the young princesses of that family was politely received by the emperor, and postponed rather than rejected, upon account of his precarious fortune<sup>5</sup>. The friends of James formed sanguine expectations from the interposition of the king of Sweden, whose ardour and intrepidity increased the importance of his friendship or enmity, far beyond the estimate of his natural resources. As he was, perhaps, the only prince in Europe, who retained any portion of the high spirit of chivalry, and who acted from the impulse of his feelings, more than from the maxims of a selfish and contracted policy, it was hoped, that the sufferings of the house of Stuart would move his heart, and that the redress of them would present an enterprise, worthy of that elevation and generosity of sentiment for which he was distinguished<sup>6</sup>.

The Hanoverian family was not without serious apprehensions, lest the very principle and basis of their pretensions to the succession should be overturned, by the chevalier's changing, or professing to change his religion. After his arrival in Lorraine, he dismissed his

<sup>3</sup> They were stationed at Gravelines, Calais, Berg, St. Winnox, St. Omers, and Boulogne.

One regiment was placed at Douay, another at Valenciennes, and a third at Avesnes.

<sup>4</sup> Schutz's Letter to Robethon, 2d Feb. to Bothmar, 6th February, 1714. Hanoverian Papers.

<sup>5</sup> Letter to the Duke of Lorraine from his Envoy at Vienna, 22d February 1714. The Duke's Letters to his Envoy, March 1714.

Stuart Papers.

<sup>6</sup> Memorial, Versailles, 22d Sept. 1706.

Memorial of Sieur Lamb, April 1711. Stuart Papers. It appears from a letter of Mr. Jackson, resident at Stockholm, to Mr. Boyle, 21st March 1708, that the French resident had notified, to the court of Sweden, the intended invasion of Scotland, with the view to obtain its assistance in placing the chevalier upon the throne of Britain. Mr. Jackson's Letters, MSS.



Roman catholic secretary, and made other arrangements in his household, in favour of his protestant adherents. He professed the kindest intentions towards the members of the church of England, and his willingness to listen, with candour, when he had an opportunity, to the arguments in vindication of the protestant faith. The Jacobites in England were industrious in propagating these facts, which presaged the speedy removal of every obstacle to their hopes, and in giving such favourable accounts of the demeanour and character of the young prince, as were likely to gain the affections of the people<sup>11</sup>.

These foreign events, connected with incidents at home, and the conduct of the ministers, strengthened the suspicion of their having formed a plan, in concert with the French king and court of St. Germain, for subverting, by progressive steps, the Hanoverian succession. Various treatises were published in England, tending to establish the claim of the house of Stuart to the crown of Britain. One of them, which had been advertised in the gazette, and composed, it was believed, from materials furnished by the ministers, asserted, in the boldest and most explicit terms, the nullity of parliamentary authority, touching the succession; and the indefeasible nature of hereditary right. The indignation of the Whigs and the clamour of the people had forced the crown lawyers to commence a prosecution against the author; but, from the dilatory steps with which it was pursued, and the interference of the queen in remitting a part of the sentence pronounced by the court, it did not at all change the opinion of those who before thought unfavourably of the ministers<sup>12</sup>.

<sup>11</sup> Martine's Letter to Robethon, 23d March 1714. Hanoverian Papers. The chevalier at that time entertained Mr. Lesley, a clergyman of the church of England, in his family, to officiate to his protestant servants. Tindal, vol. x. p. 182.

A letter from Mr. Lesley to a member of parliament was openly handed about. It con-

tained the most favourable account of the chevalier's behaviour to the protestants, as an evidence of which he had made choice of a secretary of state, and his chief minister belonging to the protestant congregation.

<sup>12</sup> Letter to Bothmar, 25th May 1714. Political State, vol. vii. p. 488.

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From their first entrance into power, they had been accused of giving too much countenance to men of ill-reputation for political principles; but, after the confirmation of the peace, their indulgence to the friends of the court of St. Germain was openly exercised in violation of law, and to the manifest prejudice of the Hanoverian interest. Many, who had left the kingdom to avoid prosecution for treason, and some, who had been actually attainted, returned with impunity to England and Ireland. Sir Patrick Lawless, formerly in the service of king James and suspected of being employed as his son's agent in London, appeared at court, and it was confidently reported that he had been admitted to a private conference with the queen<sup>13</sup>. Emboldened by such testimonies of ministerial favour, the Jacobites threw off all disguise, and took a more active part in political affairs than they had done at any period since the revolution. Their influence in every part of the country, during the election, was exerted in favour of the candidates, befriended by the ministers; and the interference and anxiety which the Roman catholics discovered upon the same side, contrary to all the rules of prudence and decorum, were public evidences, how well they understood, that their own interest hinged entirely upon the established superiority of the Tories. But, what above all was alarming to the Whigs, and sufficient to supersede and cancel all legal securities for the protestant succession, was a scheme of new-modelling the army, in which the ministers seemed to be advancing with rapid steps. Many whig officers were dismissed, and their commissions given to those who were suspected of attachment to the house of Stuart<sup>14</sup>.

Besides the presumptive evidence of danger, arising from the situation and dispositions of foreign states, and the measures and conduct of ministers, the Hanoverian agents received the strongest declarations and assurances from their friends in England, that the principal members of

<sup>13</sup> Detection of the Staff, p. 2. 14. <sup>14</sup> Schutz's Letter to Robethon, 16th Jan. Schutz's Letter to Robethon, 6th February 1714. Political State, vol. vii. p. 263. 1714.

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administration were entirely devoted to the interest of the rival heir; that they corresponded with him, and with the court of France; that they prescribed plans to his agents for rendering his succession more easy and certain; and that the queen herself had become anxiously desirous to devolve the crown upon her brother<sup>15</sup>.

Such is the substance of the evidence, upon which the fears of the Whigs for the protestant succession were founded. Remote from the period of prejudice, and furnished with additional information, we are enabled to correct the misrepresentation of some facts; to supply what is wanting in others; to appropriate to every circumstance its proper weight, and to approach nearer to a true conclusion concerning a point of chief importance in the history of this reign.

It will be readily admitted, that no considerable stress ought to be laid either upon the letters from England, containing assurances of attachment to the court of St. Germain, or upon verbal declarations to the same purpose. The exiled prince had many friends, who were disposed to serve him from the pure influence of attachment; but, as his cause, upon a fair calculation of chances, could not be reckoned hopeless, we cannot doubt, but that interested men, of every description, would anxiously wish that he might be impressed with favourable views of their inclinations towards him. Upon this basis, is founded the intelligence, which the Stuart agents communicated to the court of St. Germain, concerning the dispositions of many persons of distinction in England.

The conclusion of the war was an event favourable to the chevalier, so far as it removed the difficulties of corresponding with his friends, and restored to the French king the opportunity of negotiating and intriguing for his interest, of which he had been deprived while at open enmity with Britain. But this cannot be admitted as fair ground for suspecting the tory administration, because it would

<sup>15</sup> Schutz's Letter to Robethon, 22d Sept. 1713; to Bothmar, 29th September; to the same, 18th; Marlborough's to Robethon, 30th November. Hanoverian Papers. 1713.

certainly have been a bad argument for continuing the war, to have asserted, that it contributed to the security of the protestant succession. The question, material to the point at issue, is this, whether any thing was done at the peace, by secret stipulation or by verbal agreement, between the treating powers, for promoting the interest of the chevalier.

When the first motion for peace was made in the French court, his cause does not appear to have met with the smallest attention or regard, notwithstanding those flattering promises of friendship to his son, with which Lewis had consoled the abdicated king in his last hours. In consequence of the anxious importunity of the queen mother, perhaps, from some impulse of compassion, and certainly from political considerations, the French king was at length prevailed upon to charge Mesnager, when he was sent the second time into England, with instructions relative to the interest of the chevalier. These, however, were so general and so guarded, that it was evident Lewis was but little interested in their success; and that he was resolved to make no scruple about sacrificing the cause of his relation, if it should be found to obstruct the peace<sup>16</sup>. Mesnager, however, had this business at heart more than his master. In the course of his private conferences with an English nobleman, who was in the confidence of the court and ministers, he watched every opportunity of learning from him their private sentiments, relative to the succession.

The preliminary article of the peace, recognising the queen's title, afforded him occasion of coming directly to the point, and expressing his hopes of the queen's inclination to restore her brother. The person, whom he addressed, discovered emotions of surprise and

<sup>16</sup> Mesnager, p. 205. "It will be acceptable to me if you can render the young king any service; and bring the new ministry and queen into his interest; and make way for his being placed on the throne after the queen; but remember, if the main affair of the treaty requires it, and the queen insists upon it, you must give him up to his better fortunes, we must not be ruined on his account." *Entendez vous*, said the king twice together." Mesnager, p. 211. See Report of the Secret Committee, p. 128.

alarm upon his introducing this topic; but soon made him understand that he was not displeased with it, and that the shyness and backwardness of the ministers arose from their fears and jealousies of one another, rather than from any want of esteem and affection for the chevalier; and that the propositions to be publicly urged, relative to his case, were merely for the sake of form, and to save appearances<sup>17</sup>.

This discovery suggested, to the French agent, the expedient of proposing a secret article, to be signed by the queen, disengaging Lewis from any obligation concerning the succession, which he might be required to agree to openly in the course of the treaty<sup>18</sup>. After several conversations to the same purpose, which were of so delicate a nature, that none of the ministers had the resolution to take a part in them, the French agent was introduced to a lady in high favour with the queen, in whose information and promises he was encouraged to place entire confidence. From her he learned what, from other concurrent circumstances, we may believe to be a true account of the temper of the ministers, and of the queen, namely, that whatever they thought or inclined, they were all struck dumb with fear; that not one dared to mention to another, or to the queen herself, the subject of the succession, except in expressions strictly conformed to the law; that the queen was vexed and offended at their darkness and reserve, because she entertained friendly sentiments in behalf of her brother; but she was not less afraid than her ministers to give vent to them, and it would be a relief to her mind, if any expedient could be contrived, for mitigating and undoing the hard condition, respecting the exiled prince, to which she herself and the French king were constrained to submit; and that, after all, it must be left to him to devise such an expedient, as her majesty was so much frightened, that she durst not express any concern about

<sup>17</sup> Mefnager, p. 246.

<sup>18</sup> Idem, p. 250.

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her brother, or even name him to any of her ministers<sup>19</sup>. After various consultations, to which none but the agent and lady were privy, they both agreed, that no specific measure could be adopted with propriety and safety, in the present stage of the business; but that, while the treaty was depending, instructions should be sent to the English plenipotentiaries at Utrecht, and communicated at the same time to the French king, from which it might be understood, that, notwithstanding his seeming desertion of the chevalier's interest, by the articles of the treaty which were to be made public, yet he should not be prevented from using his best endeavours, upon her majesty's decease, to place that prince upon the throne of his fathers<sup>20</sup>. Mefnager repaired to Utrecht, where he was to act as a plenipotentiary of France. The treaty advanced apace. The English ministers peremptorily insisted upon the French king's coming under the most explicit and solemn obligations to maintain the protestant succession. Mefnager hoped that they would relax in this point, being assured by his female correspondent, that instructions should still be sent to them for that purpose from the court of England, but they continued tenacious and inflexible in adhering to their first propositions<sup>21</sup>. The French king, determined to follow rather than to prompt the court of England upon this affair, was surprised more than concerned at the course in which it ran, and without any mental reservation or subterfuge, authorized by the court of England, became bound to give no disturbance to the act of settlement<sup>22</sup>.

A coincident event, which contributed to disappoint the schemes of Mefnager and his correspondent, affords another striking example of that fatality which ever pursued the house of Stuart. The dowager queen, mortified with the indifference of the French king

<sup>19</sup> Mefnager, p. 254, 5. 272. 282, & passim. It is probable that the earl of Jersey was the nobleman with whom Mefnager carried on these secret conferences. Mrs. Masham certainly was the lady to whom he alludes; as she seems to have been all along most hearty in the interest of the chevalier. Berwick, vol. iii. p. 192.

<sup>20</sup> Mefnager, p. 276.

<sup>21</sup> Idem, p. 291.

<sup>22</sup> Idem, p. 309.

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to her son at the beginning of the treaty, and relying but little upon the intercessions of his agent with the English minister, set on foot another secret negotiation upon a larger scale". The abbé Gualtier was intrusted with a commission, not only to make attempts upon the court and ministers, but to consult with the friends of her son in general, for turning the ensuing peace to his advantage. The abbé was utterly destitute of every qualification for conducting an affair, so difficult from its intrinsic importance, and from the restraints imposed upon those who were to conduct it, as well as from the jealousy, the acute penetration, and incessant vigilance of the persons who were likely to thwart it. Intoxicated with the momentous nature of the business in which he was employed, he could not conceal it: overrating his own abilities, he vaunted of anticipated success, and was debarred from that intercourse which was necessary to its accomplishment". When he arrived in England, he communicated his instructions to the earl of Oxford, who, of all the ministers, was certainly least inclined to repeal the act of settlement, and, who, by amusing the abbé and his constituents, became master of their secrets, and traversed their plots. In the progress of these clandestine negotiations, the queen-mother afterwards associated another agent, who was not behind the abbé in rashness and imprudence, which at length gave such general alarm, that the ministers, in order to save their own reputation, were constrained to take every step, which the utmost sincerity and ardour could have dictated, for securing the Hanoverian succession".

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" Mefnager, p. 207. 314. Cunningham, vol. ii. p. 411.

" Mefnager, p. 208. "He fancied," says Mefnager, "that if he had liberty of speaking to her majesty, she would be unable to resist the arguments by which he would prove to her, that she could never enjoy the kingdom of heaven unless she delivered the crown to him whose right it was."

" Mrs. Masham's Letter to Mefnager.

Mefnager, p. 301. 310. 314. I have not been able to discover who this second agent was; Mefnager says that he was a Scotsman, who pretended to have great interest with a Scottish lord, an officer of state in England. The duke of Hamilton is most probably meant by the last description. The sum of his negotiations was this: "He spent a great deal of money and ruined the business. A Scottish

" man from St. Germain's and a Scotsman in your

From the detail of all the circumstances relative to these negotiations, it appears, that the zeal of the agents far surpassed that of their employers. The French plenipotentiary, and the lady, seem to have gone beyond the limits of their commission; and, from the partiality, in which they coincided, for the interest of the young prince, were grievously disappointed in finding their united projects for serving him counteracted by the dastardly policy of the respective courts, which were to carry them into execution. The behaviour of the French king is perfectly in character. He did not wish to serve his unfortunate guest at the smallest risk to himself, and as little to be tied down from doing it, when an opportunity should offer of making his interference subservient to his own interest. Nor did the conduct of the queen deviate from what might have been expected in her peculiar situation. Divided between fear and affection, she did not wish to take any step either for her brother or against him. The proscription of his title, which was suggested by his ministers at the outset of the treaty, hurt her tenderness and delicacy. She certainly wished to avert it, but she had not fortitude either to propose, or to adopt any positive or direct measure for raising him to the throne; and, in any thing that pointed at this, she was pushed forward by her female confidant. For, it must be observed, that, as all the accounts relative to the behaviour of the queen are given upon the authority of this lady, her own partial affection would naturally lead her to state them in the strongest light, in favour of its object".

Upon the whole, there appears no evidence for imputing, to the treaty, either public or secret, or to the ministers, so far as can be collected from their conduct in every stage of it, any conspiracy

" your court have deceived one another, and " they make of their agent, that he has not  
" abused their masters. As to inquiring " only exposed his errand, but his employer."  
" with whom the secret has remained, they Mefnager's Letter to Mrs. Masham, p. 314  
" confess, at St. Germain's, that it has re- —16.  
" mained with nobody; so ill a choice did " Mefnager, p. 323.



against the act of settlement, or any design for restoring the exiled prince. Whatever party had been in the seat of power, or whatever their inclinations, with respect to the competitors for the crown, had been, it was naturally to be expected, upon the opening of a treaty for peace, that overtures would be obtruded from the quarter of St. Germain; that, for preserving the show of consistency and honour, they would at least be connived at by Lewis; and that they would meet with a cordial reception from some individuals, of power and consequence in England, who were attached to the house of Stuart. As the event shewed, that the French king was not sincere in the promises he made to the queen-mother, so he had now many strong inducements for adhering to his public engagements. His dominions were depopulated, and his treasures exhausted by a long and unsuccessful war: the disappointment of all his aspiring projects, and the rapid accumulation of family calamities, together with the infirmities of age, broke his spirit, and yielded a firmer bond for his performing his obligations, and spending the reverſion of his days in peace, than could have been expected from his probity and honour.

If there was nothing in the treaty itself, or in the conduct of ministers, during its dependence, that could sustain the charge of their having any intention of subverting the protestant settlement, was it fair to augur danger from their peculiar principles? They were Tories, and therefore suspected of a partiality to the lineal heir.

No person, well read in political history, needs to be informed, that parties are in a constant fluctuation; and that, during the state of conflict and agitation, individuals often change their side from motives of caprice, passion, and interest, inſomuch, that unless we take their own word for it, we should be utterly at a loss to ascertain their true character and designation. Some of the principal leaders in opposition, towards the end of this reign, calling themselves Whigs, started, in their political career, under the banners of the Tories; and some of the ministers, if there was any merit annexed

to it, had, both from the prejudices of education and their former conduct, the best pretensions to the name of Whigs<sup>27</sup>.

But the ministers, whatever they had been, or were, in their hearts, from the course of events, now found themselves at the head of the Tories; and, having failed in all their endeavours to compound with the Whigs, depended entirely upon the support of the former. Taking the charge upon this foot, how does the evidence stand? Had not the Tories invariably professed their attachment to the protestant succession; had they not, when in power, vindicated their sincerity by their deeds, and contributed, by the measures which they pursued, to its security? Did not their prejudices interest them upon the same side? and did not the zeal of many of them, for the church of England, make them revolt with horror from the idea of a popish successor? There remains therefore no authentic argument for deducing danger, merely, from the political principles of the ascendant party<sup>28</sup>.

But though no proof of guilt results from the examination, either of the personal attachments or political principles of the ministers, yet does not their coalition with the avowed friends of the house of Stuart wear a suspicious aspect? Were not many of the Jacobites, particularly in Scotland, successful candidates, at the general election, under the auspices of ministers? Were not some of them promoted to offices of trust; and did they not, on every occasion, stand forward in support of their patrons? That all this should be true, will not appear surprising, nor any ground of criminal imputation against the ministers, when we advert to the critical situation in which they found themselves soon after their accession to power. The Whigs, upon their dismissal, formed an union so well concerted and so firm, that it was impossible to destroy it. The business of the peace, which had been the principal motive with the queen for raising the

<sup>27</sup> The duke of Marlborough and the earl of Godolphin were Tories; and Oxford a Whig. <sup>28</sup> See Earl of Strafford's Letter to the Princess Sophia, 23d February 1714. Hanoverian Papers.

Tories to superiority, was of the most arduous nature; and, however well managed, was likely to furnish many handles for censorial investigation. Aware of this, the ministers thought it fair to avail themselves of every assistance tendered to them, perhaps were not even honestly scrupulous about the means they used for obtaining it; and, if they did not flatter, neither did they undeceive, the expectations of the Jacobites, nor refute the interpretation which they fondly put upon the confidence reposed in them. The defenders of the conduct of the earl of Oxford assert, that this temporary, external communication and intercourse with suspected persons, was one of the wisest measures of his administration. It suspended their secret plans and conspiracies; it made him acquainted with their strength and their views, and enabled him, while the Jacobites were supine and inactive, to take effectual measures for undermining their influence and fortifying the established government<sup>29</sup>.

The plan of new-modelling the army, and the movements of the French troops, may be obviously accounted for, without supposing them to have any reference to a design of bringing in the pretender. There is undoubted evidence of a conspiracy having been in embryo among the Whigs, for rendering the protestant succession effectual, by other means than the securities of law; and, though it was not digested or generally approved of, yet it pointed at something violent. It was seriously alarming to the queen and to the ministers. Of an association having been set on foot for defending the Hanoverian succession, there exists not the smallest doubt. These transactions rendered the changes of the army a fair measure of self-defence, and suggested the necessity of removing, from stations of high command, military men who were devoted to the Whigs, and the suspected

<sup>29</sup> Conduct of Oxford, *passim*. His Letter to the Queen. "The great political error of this administration, was their giving encouragement to a party whose interest they never meant to serve, whose assistance did them very little good, and by

"receiving which, they fortified the suggestions of their opponents, and did more towards their destruction than all the skill and address of their enemies." *Life of Bolingbroke*, p. 265.

authors

authors of the schemes which gave alarm<sup>30</sup>. Nor would it have been extraordinary, if, under the impression of terror, which might exaggerate the idea of their personal danger, just as much as the jealousy of the Whigs exaggerated their fears for the protestant succession, the ministers should look forward to the French king for their refuge, and give him distant hints of putting his forces in such a posture, as might yield them speedy succour in case of their being reduced to emergency by any premature attempt upon the crown. But as no satisfactory evidence of this appears, we are not warranted to ascribe the arrangements of the French army to any previous concert with the court of England. The domestic tranquillity of France, and its perfect security on the side of Spain, rendered it no longer necessary to retain a larger proportion of troops in the interior provinces, or on the southern frontier of the kingdom. The divided sentiments of the people, and the violence of faction in England, made it extremely probable, that a disputed succession, upon the demise of the queen, would attract the interference of the continental powers, independent of any previous concert with the ministers and court of England. Fair policy might suggest, to the French king, the augmentation and reinforcement of his garrisons on the frontiers, nearest to the scene of action. Nor did he perhaps relinquish the idea of giving the chevalier assistance, if an opportunity should occur of his doing it with effect, and with advantage to himself.

Admitting the full weight of these arguments, it is at the same time certain, that the court of Hanover was impressed with a

<sup>30</sup> The duke of Argyle, who was dismissed from his regiment, had supported the tory ministers when they first came into power. He hated the duke of Marlborough, and perhaps expected to be advanced to the head of the army. He certainly did not obtain the promotion which he expected, and came over again to the Whigs, who were for some time suspicious of him. See Schutz's Letters to

Robethon, September and October 1713. Of all the party with whom he now joined, he seems to have been the most bent upon violent measures, and even threatened to abandon the cause of the elector if he did not comply with the request of his friends in coming to England. Letter from a Friend in England to Bothmar, 25th May 1714. *Hanoverian Papers*.

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thorough conviction, that their interest was in the utmost jeopardy, from the dispositions of the court and ministry, at the close of the queen's reign.

Every information, relative to the political affairs of England, was conveyed to the court of Hanover, through the medium of a party, under the strongest inducements, both from resentment and interest, to give the darkest colour to the transactions and conduct of the ministers. From the prejudice which the elector had contracted against them, on account of the peace, to which he was averse, his agents were directed to confide only in the Whigs, and to proceed in every measure by their advice. It was not to be expected, that the Whigs, while the resentment of the Tories was still in action against them, would make use of the advantage which they derived from the elector's partiality with moderation and candour. They accused their antagonists, indiscriminately, of disaffection to the protestant settlement; they gave them the odious appellation of *the French faction*: they transmitted, to the court of Hanover, direct charges against the principal persons in administration; Oxford, Bolingbroke, Harcourt, are all represented as deeply engaged in the interest of the pretender<sup>31</sup>. The Whigs thought that they had now an opportunity of laying the foundation of a permanent superiority, by infusing into the breast of the elector such unfavourable suspicions of the Tories, as would fix his resolution of casting them out from all trust when he came to sway the sceptre. Every accusation against the Tories in general, or against individuals, who were members of administration, ought to be received with distrust, unless it is sustained by purer evidence than the bare affirmation of the persons, who had such an interest in misrepresenting the conduct of their antagonists.

It is a curious fact, that, though the earl of Oxford was undoubtedly attached to the protestant settlement, yet he is the only one of the ministers, who is charged, on plausible evidence, with the

<sup>31</sup> Schutz's Letters, passim. Hanoverian Papers, 1714.

design

design of overturning it, and of bringing in the pretender. The abbé Gualtier, as early as the arrangements of the new ministry were settled, brought a message from Mr. Harley to the duke of Berwick, expressing his desire to concert measures for restoring the chevalier, and specifying the conditions upon which he was willing to co-operate in this delicate business<sup>32</sup>. In an extract from Carte's Memorandum Book, we have a traditional anecdote of the abbé having received a paper, written by the treasurer, describing the conduct which the king, so he is called, ought to observe in order to ensure success<sup>33</sup>. How then can this nobleman be exculpated from a charge so speciously supported, or his conduct be reconciled to the professions he made to the house of Hanover, and to the measures which he pursued, both when he was in opposition, and in place, for establishing the protestant succession?

Artifice or cunning was the characteristic feature of Oxford's administration. He was but little scrupulous about practising dissimulation when he found it subservient to his ministerial plans, and to the maintaining the ascendancy which he had obtained in the cabinet. He had two objects in view by deceiving the court or St. Germain's. 1st, He obtained the confidence and vigorous support of all their friends in England<sup>34</sup>. 2dly, He intercepted their intelligence, and retarded and traversed all their schemes, which, if he had kept aloof, might have been intrusted to some of his colleagues better disposed to conduct them to a successful issue. He always found some pretext for delay when urged to make good his engagements; which convinced the duke of Berwick and Mesnager, that

<sup>32</sup> Berwick, vol. ii. p. 182. The conditions specified by Oxford, were, 1st, That no person at St. Germain's should be privy to the matter. 2d, That the queen should enjoy the crown during her life. 3d, That security should be given for the preservation of the church of England, and the liberties of the kingdom. Berwick, vol. ii. p. 182.

<sup>33</sup> Stuart Papers, May 1714.

<sup>34</sup> "In order to shew that we would omit nothing, and to give proofs of our sincerity, we wrote to all the Jacobites to join with the court. This contributed to make the queen's party so superior in the house of commons, that every thing was carried according to her wishes." Berwick, vol. ii. p. 183.

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he never had entered sincerely into their views, and had cajoled them with the purpose of betraying them<sup>35</sup>.

I do not mean, from these observations, to assert, that all the Tories, or that all the members of administration, were free from a predilection for the hereditary line of succession, or that some of them did not even ardently wish for its restoration; but what I have endeavoured to establish, is this, that there was no plan concerted or agreed to by the tory ministers, collectively, in the last years of the queen, for defeating the protestant settlement; that there is no evidence in support of any charge, to the same effect, against individuals who were in trust under government; that, with respect to the case of the premier, though specious at first view, it fails upon thorough investigation; and that he stands acquitted by the explicit testimony of witnesses, whose authority is decisive in the point at issue<sup>36</sup>.

It happened fortunately for the house of Hanover, that, from the very day the Whigs were dismissed, jealousy, distrust, and envy haunted the cabinet. Like a band of spies, the ministers watched and dreaded each other. This internal discord was the safeguard and palladium of the protestant settlement. Fortified by the sanctions of law, not one of them, whatever he thought or inclined, durst whisper a wish or drop a hint against it, because it would have furnished his internal enemy with the certain means of his destruction<sup>37</sup>. But suppose the ministers had been united among themselves, there still remained insurmountable obstructions to every attempt for reversing the act of settlement, arising from the interest of persons of rank and fortune; the general inclinations of the people; and the peculiar temper of the queen herself.

<sup>35</sup> Compare Berwick's Memoirs, vol. ii. p. 184. with Lady Masham's Letter to Messager, 2d March 1712.

<sup>36</sup> The duke of Berwick was at length convinced that Oxford never had any other intention than to amuse and deceive them. Ber-

wick, vol. ii. p. 184. Whitestaff, p. 2. 14.

<sup>37</sup> The earl of Oxford and lord Bolingbroke reciprocally accuse one another to the Hanoverian agents. Hanoverian Papers, passim, particularly Letter from Galke to Robethon, 4th May 1714.

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The landed interest must always lose something, and risk all, by every political convulsion; and though there might be many of that description whose prejudices were for the pretender, few of them desired his success at the expence of a civil war, without which there was hardly a possibility of its ever being accomplished<sup>38</sup>. The good wishes of his most disinterested friends were associated with the hope of his renouncing the Roman catholic religion; and his inflexibility, in that point, alienated their affections, and prevented their endeavours to serve him<sup>39</sup>. The monied interest had now become extensive and powerful, and, as its security was interwoven with the protestant succession, so it was capable of yielding the most prompt and vigorous exertion for defending it. The suffrages of the people of England, if they could have been collected, would certainly have preponderated in favour of the protestant competitor. For the truth of this assertion, I require no better evidence than the language and engagements of the tory candidates during the dependence of the elections for the last parliament. The declarations of candidates, at that crisis, are not so much to be considered as a criterion of their own genuine sentiments, as of those of their electors. And what were the declarations of the candidates? In proportion to the suspicions that attached to their party, or principles, they were assiduous in disclaiming every intention hostile to the protestant settlement, and in coming under the most solemn engagements to support it<sup>40</sup>.

Nor was the timidity of the queen, less than any of the circumstances now mentioned, an obstruction and discouragement to every

<sup>38</sup> Strafford's Letter to the Princess Sophia, 23d Feb. 1714. Hanoverian Papers.

<sup>39</sup> James's Letter, 13th March 1714. Stuart Papers.

<sup>40</sup> Letters from L'Hermitage, April 1713. Hanoverian Papers, passim. In England this was universally the case. In Scotland, Jacobitism, in a few instances, was a recommendation to the favour of the electors; but the representation there being upon a nar-

row basis, cannot be considered as a fair test of the sentiments of the people. The presbyterians, who were the greater number, were strongly attached to the protestant succession. In Ireland, notwithstanding the parliament's being dissolved on account of its opposition to the tory ministers, and every exertion being made for them at the general election, a majority of Whigs was returned.

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plan



plan for altering the law of succession. While the reversion of the crown was in prospect, her ambition, overrating its value, counteracted the dictates of natural affection, and made her acquiesce in all the measures leading to her aggrandizement. But when she had obtained her object, and experienced its emptiness and vanity, the force of ambition declined apace; that of natural affection revived and became ascendant. There were peculiar circumstances in the lot of this princess, which clouded the lustre and damped the enjoyment of royalty; and silently operated as motives for wishing to restore it, after her death, to the person whom she had superseded and degraded. The loss of all her children bore the aspect of an angry Providence, adjusting punishment to the nature and quality of her offence. Wounded in spirit, and prone to superstition, she naturally thought of the restitution of the crown to her brother as the only atonement she could make to the memory of her injured father<sup>41</sup>; and, as this purpose was no longer thwarted by ambition, it might probably have ripened into action, had it not been controlled by another passion, which ever predominated in the temper of this princess. The difficulties and dangers, attending every endeavour for altering the succession, the most cool and intrepid mind could not overlook, or despise. The queen saw them in the most terrific form, and recoiled with horror from the sight. The sending the pretender to London was proposed as the most effectual measure for securing his right; but she trembled at the idea of the presence of a successor, whoever he might be; and the residence of her own brother in England was not less dreadful to her than that of the electoral prince<sup>42</sup>. The only concession, which she ever made to affection and remorse, was consenting to her brother's residing in Lorrain, and afterwards employing only feeble and insincere endeavours for removing him, though repeatedly urged to it by the

<sup>41</sup> "The queen attributes the loss of her children to the dethroning of her father; having been very sensibly touched with an affecting letter which he wrote to her before his death, in which he recommended his family to her." Schutz's Letter to Bothmar, 29th Sept. 1713.  
<sup>42</sup> Berwick, vol. ii. p. 187. Schutz's Letters to Robethon, 1714. Hanoverian Papers.

parliament.

parliament<sup>43</sup>. Nothing but the most determined purpose, and the most steady courage in the sovereign, could have induced any of her ministers to attempt so arduous an enterprise as the change of the succession; and as the reverse was her temper, it affords the strongest presumption for concluding that it never was made. The last months of her life produced events, which might perhaps have lessened the difficulties which the friends of the pretender encountered from the temper of the sovereign. She was teased, irritated, almost driven to despair, by the rudeness and obstinacy of the Whigs, who persisted in their desire of bringing the electoral prince to England<sup>44</sup>. The dispute was still in agitation when she was removed from all her troubles by the hand of Providence.

What the consequence might have been, if the queen had survived, is merely a matter of conjecture; but we may pronounce, with some degree of assurance, that the protestant interest would have been exposed to more certain and to more imminent dangers, than ever had threatened it before at any period since the revolution. The presence of the electoral prince, which he could no longer decline, but at the risk of exhausting the patience and losing the affections of his best friends, instead of a listlessness and indifference to his interest, which was the utmost that could have been expected from the queen, might have roused hatred and resentment against him. In the conflict and distraction of passions, one fear might have prevailed against another. She shrunk from the danger of altering the succession; but consequences not less distressful resulted from the presence of the successor. Had that happened, her remaining days must have been consigned to mortification and insult; and perhaps her life exposed to danger from violent measures, to hasten the accession of the heir who had the suffrages of the people. Under these impressions, the inviting her brother to England, and

<sup>43</sup> The proposal of the pretender's residing in Lorrain came from Mesnager. *Mém.* p. 280. to Robethon, 18th Nov. 1713. Hanoverian Papers.

<sup>44</sup> Schutz's Letter to Bothmar, 22d Sept.;

the making a declaration in his favour, might have appeared the safest alternative she could embrace. The competitor, who was first upon the spot, would certainly have possessed great advantage in the struggle. The removal of the earl of Oxford, if it did not originate from a view to this measure, would certainly have facilitated the accomplishment of it<sup>43</sup>. The death of the queen happened so soon after his dismissal, that there was not time for settling the new arrangements of the cabinet, far less for taking any steps in a design so bold and hazardous as that of altering the succession; and the existing ministers did every thing, which the elector's best friends could have wished, for removing the smallest obstruction to his ascending the throne<sup>46</sup>.

<sup>43</sup> The duke of Berwick imputes the removal of the earl of Oxford to the influence of lady Masham, who did all she could to pave the way for the succession of the chevalier. Berwick, vol. ii. p. 192.

Some of the remaining ministers were suspected of being in the plot with that lady;

they were certainly exasperated by the Whigs representing them to the court of Hanover as enemies to the protestant succession.

<sup>46</sup> Life of Atterbury, p. 73. Anecdotes of Lord Oxford. Carte's Memorandum Book, 1714. Stuart Papers.

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## A P P E N D I X.

### N° I.

#### ABRIDGMENT of the ARTICLES of the UNION'; with Observations.

I. **T**HE two kingdoms of England and Scotland shall, from the 1st of May 1707, be united into one kingdom, by the name of Great Britain.

<sup>a</sup> The commissioners appointed by her majesty for the treaty of union were, on the part of England, the archbishop of Canterbury, William Cowper, keeper of the great seal, the archbishop of York, the earl of Godolphin, high treasurer, the earl of Pembroke and Montgomery, president of the council, the duke of Newcastle, keeper of the privy seal, the duke of Devonshire, steward of the household, the duke of Somerset, master of the horse, the duke of Bolton, the earl of Sunderland, the earl of Kingston, the earl of Carlisle, the earl of Orford, Viscount Townshend, lord Wharton, lord Grey, lord Powlet, lord Somers, lord Halifax, John Smith, the marquis of Hartington, the marquis of Granby, sir Charles Hedges and Robert Harley, principal secretaries of state, Henry Boyle, chancellor of the exchequer, sir John Holt, chief justice of the queen's bench, sir Thomas Trevor, chief justice of the court of common pleas, sir Edward Northey, attorney general, sir Simon Harcourt, solicitor general, sir John Cooke, advocate general, and Stephen Waller, doctor of laws.

On the part of Scotland, the earl of Sea-

field, lord chancellor, the duke of Queensberry, lord privy seal, the earl of Marr and the earl of Loudoun, secretaries of state, the earl of Sutherland, the earl of Morton, the earl of Wemyss, the earl of Leven, the earl of Stair, the earl of Roseberry, the earl of Glasgow, treasurer depute, lord Archibald Campbell, lord viscount Duplin, lord Ross, one of the commissioners of the treasury, sir Hugh Dalrymple, president of session, Adam Cockburn of Ormiston, lord justice clerk, sir Robert Dundas of Arncliffe, and Mr. Robert Steuart of Tillicoultry, lords of session, Mr. Montgomery, one of the commissioners of the treasury, sir David Dalrymple, solicitor, sir Alexander Ogilvie, receiver general, sir Patrick Johnstone, provost of Edinburgh, sir James Smollet of Bonehill, George Lockhart of Carnwath, William Morison of Preston Grange, Alexander Grant junior, William Seton of Pitmedden junior, John Clerk junior, of Pennycuik, Hugh Montgomery, late provost of Glasgow, Daniel Stewart, and Daniel Campbell of Ardentennie. The English commissioners named G. Doddington, and the Scotch sir D. Nairne, to be their secretaries.

II. The

II. The succession of the monarchy to be to the princess Sophia and her heirs; and that all papists, or persons that marry papists, shall be for ever excluded from inheriting the crown.

III. The united kingdom shall be represented by one parliament.

This article met with great opposition in the parliament of Scotland. The objections to it were founded upon the incapacity of the representative body to alter the constitution, or surrender the sovereignty of the kingdom; and upon the disproportion of the Scottish members to those of England, in the united legislature, which would deprive Scotland of the means of redress, in case of her suffering oppression from the superior weight of a representation, attached to interests contrary to her own.

It was answered, that the general desire of Scotland, for an incorporating union, had been expressed at the revolution; the queen had recommended it to both parliaments at her accession; the electors were apprised that this important business was to come under the consideration of their representatives; and the legislature of Scotland had formerly made constitutional alterations, not less important than those which were involved in this article<sup>2</sup>.

IV. The subjects of the united kingdom shall have freedom of trade and navigation to all places within the same, and plantations belonging to it, and a communication of all other advantages.

V. All ships, belonging to her majesty's subjects of Scotland, at the time of ratifying the treaty of union of the two kingdoms in the parliament of Scotland, though foreign-built, shall be deemed as ships of the built of Great Britain; the owners making oath within twelve months after the 1st of May next, that, at the time of ratifying the treaty in the parliament of Scotland, the same did, in whole, or in part, belong to them, or to Scotsmen, and, at the time of taking the oath, do wholly belong to them, &c.

This article was framed in conformity to the act of navigation, as far as the circumstances of the Scottish traders would admit. For want of materials to build ships at home, the greatest part of the trade of Scotland had been carried on in foreign bottoms, and in partnership with foreign

<sup>2</sup> The representation of the clergy had by Parliament. Mr. Seton's Speech, 18th been abolished, restored, and again abolished Nov. 1706.

merchants.

merchants. It was therefore agreed, that these ships should be deemed of British built, provided the other clause of the act was complied with. But as a sudden dissolution of their commercial partnerships must have exposed the Scottish merchants to great embarrassment and loss, a competent time, namely, a whole year after the ratification of the union, was allowed for adjusting this business, and qualifying them, in terms of the navigation act, to share in the benefits of the English trade.

VI. All parts of the united kingdom to be under the same regulations of trade, and liable to the same customs and duties: excepting duties, from which the subjects of either kingdom are exempted by their private rights. No cattle, carried from Scotland into England, shall be liable to any other duties than those to which the cattle of England are liable. That oats, oatmeal, and beer, exported from Scotland, shall be entitled to the same premium as other kinds of grain exported from England.

The clause in this article, relative to exceptions, was added by the parliament of Scotland; and had respect to certain immunities which had been granted to some of the royal burghs, either for the purpose of encouraging infant manufactures, or for enabling them to provide or maintain works of public utility. Aware, however, that the same exceptions, if extended to the neighbouring kingdom, would restrain a very profitable branch of their trade, the Scottish commissioners insisted that cattle should not be liable to the payment of duties when passing into England. The city of Carlisle and sir Philip Musgrave enjoyed an ancient right of exacting contributions for all the cattle, which passed the tolls or bridges of which they had the lordship. The parliament of England purchased these rights; and thereby prevented an opposition to this article, founded upon an argument of sufficient validity, either to overturn the preceding clause, or, if it stood, to extend it to the prejudice of Scotland.

The premium upon the exportation of oats and beer, which were the staple grains in Scotland, was added by the Scottish parliament, to afford Scotland the same benefit with England in the exportation of corn<sup>3</sup>.

<sup>3</sup> While this article was under discussion, a clause was proposed for permission to export wool from Scotland, which, though profitable to proprietors of stock, or sheep-farms, had been hitherto a great discouragement to domestic industry; and so injurious to the staple of England, that the prospect of putting an end to it had a more powerful effect, than any political considerations, in reconciling the manufacturing interest to the union.

VII. The

VII. The united kingdom to be liable to the same excise, except that a barrel of ale in Scotland shall not pay above two shillings, on account of the present excise in England.

VIII. Foreign salt in Scotland shall pay the same duty as in England; but salt made in Scotland shall be exempted for seven years from the English duty: several conditions, relating to the salt duty, were inserted in this article.

IX. When one million, nine hundred and ninety-seven thousand, seven hundred and sixty-three pounds, eight shillings and four-pence halfpenny, shall be enacted to be raised in England upon land; Scotland shall be charged, by the same act, with the sum of forty-eight thousand pounds.

In adjusting the proportion of land-tax to be paid severally by the two kingdoms, the English commissioners proceeded upon the most fair and liberal principles. Every circumstance, that made a real difference in the proportion of payment, was patiently investigated, and allowed its due weight. The rent in Scotland, being generally paid in grain, the efficient receipt of it, or the conversion of it into money, was postponed to a more distant term than in England; and the landlord incurred a double risk, from the insolvency of the tenant, and of the purchaser of his victual-rent. The nature, and system, of the land-tax in Scotland furnished the proprietors with a strong claim for being rated at a lower assessment than proprietors in England. The land-tax in Scotland was collected, and brought into the treasury, free of all loss or defalcation, whereas, the expence of collecting it in England, being charged upon the government, occasioned a deduction, approaching to a twentieth part of the whole sum; so that a nominal equality of tax in Scotland would have been actually more productive to the government, and would have taken more out of the pockets of the landlords. It was however extremely difficult to strike the balance, or to ascertain the precise deduction, to be inferred from circumstances, some of which were complicated and variable, and others, a subject, not of numerical but discretionary calculation. It was therefore proposed to have recourse to example, or fact, in order to establish the true standard of proportion, and the shares or quotas of tax to be paid by the landholders of the respective kingdoms. The highest sum of land-

tax that ever had been paid by Scotland, was to be taken, and set over against the highest sum of the said description, that ever had been exacted in England; and every abatement or alleviation of the tax was to be adjusted, in both kingdoms, by this regulation. The highest assessment ever imposed upon the land in Scotland, under lawful government, namely in the reign of Charles II. and James II. amounted to eight months' cess, which produced forty-eight thousand; and the highest in England was four shillings in the pound, and amounted to the sum of one million nine hundred and ninety-seven seven hundred and sixty-three pounds, eight shillings, and four-pence halfpenny. It was therefore enacted as above, &c.\*

X. Scotland is exempted from the stamp duties now in force in England.

XI. Scotland is exempted from the duties payable in England on windows, which determines on the 1st of August 1710.

XII. Scotland is exempted from the duties payable in England on coals, culm, and cinders, which determines the 30th September.

XIII. Scotland shall not pay the malt duty, which expires 24th June 1707.

XIV. Scotland shall not be charged with any other duties, imposed by the parliament of England before the union, except those consented to in this treaty; and if the parliament, in their provision for the service of the year 1707, shall lay any farther customs, Scotland shall have an equivalent for the share to which it is liable: malt, made and consumed in Scotland, shall not be charged during this war.

XV. Scotland shall have an equivalent for what she shall be charged towards payment of the debts of England, namely, the sum of

\* Under the usurpation of Cromwell, Scotland had been not only exorbitantly, but, in difference, been now insisted upon, Scotland must have been charged with three hundred and thirty-three thousand, three hundred and thirty-three pounds, six shillings, and eight pence, when two millions were raised by the land from England. Had the same arbitrary land-tax in England.



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\* Under the usurpation of Cromwell, Scotland had been not only exorbitantly, but, in proportion to England, unjustly charged. Six thousand pounds per month was exacted from Scotland, and no more than thirty-five thousand from England. Had the same arbitrary difference been now insisted upon, Scotland must have been charged with three hundred and thirty-three thousand, three hundred and thirty-three pounds, six shillings, and eight pence, when two millions were raised by the land-tax in England.

three hundred and ninety-eight thousand and eighty-five pounds, ten shillings, for the custom and excise to which she will be liable for the said debts. An equivalent shall be farther allowed for the proportion which Scotland shall hereafter pay on account of the increase of the customs, arising from the increase of her trade, which will be the happy effect of the union; and also for the salt duty, which she shall be obliged to pay after seven years. The said three hundred and ninety-eight thousand, and eighty-five pounds, to be applied to pay the public debts of Scotland; to refund to the African company their principal stock, and the interest of it; to indemnify such as may be losers by the alteration of the coin; and to such other uses, as commissioners, appointed by her majesty, shall think fit: the African company to be dissolved, as soon as the act passes in England for paying the equivalent.

This article may be considered as the most important in the list, and certainly had more influence than all the rest, in reconciling the leading men of every party in Scotland, to an incorporating union.

As, by article fourth, Scotland was to be admitted to a participation of the trade of England, it was equal and just that she should also bear a share of the burdens to which England was subjected. If the revenue, arising from the taxes, had been destined solely to the future expences of government, and the common uses of both countries, Scotland ought to have been subjected to them without any qualification or reserve. But, as a certain proportion of the produce of the English taxes was assigned to the discharge of her own debts, which she had incurred previous to her uniting with Scotland, it would not have been just to have exacted contributions from the latter kingdom for the payment of these debts. It was therefore stipulated, that before the union, England should indemnify Scotland for every tax, which the latter was afterwards to pay, solely upon her account; or that the former should advance to the latter a principal sum, precisely equal to the accumulated amount of the taxes, by which Scotland contributed to the clearance of the interest and capital of the English debts. There being also a part of the English debt, for which no funds were yet provided,

provided, it was settled that Scotland should receive an equivalent for the proportion she might hereafter be required to contribute on that account<sup>5</sup>.

The remaining questions were, to whom was this sum to be paid? under whose disposal was it to be placed? and for what purposes applied? Had it been put into the hands of the Scottish merchants or manufacturers, it would have produced precisely the same effect with the remission of the duties: the merchant would have been enabled to reduce the price of their goods, and to undersell their competitors in England, in a proportion equal to the saving, arising from the abatement or drawback of the tax. To do strict justice to both the united kingdoms, the general principle adopted, was, to disburse the sum paid as an equivalent to Scotland, in such a way, as would redound, most extensively and permanently, to her benefit. The purposes specified by this article exactly corresponded with this idea. The loss, arising from the Darien scheme, came home to persons of every description, and in every part of the country; and as it had been occasioned, in some measure, by the unkindness of the English parliament, so it appeared to be no more than justice to allot a part of the equivalent for paying the stock and interest of that injured company which was now to be dissolved<sup>6</sup>. As part of the customs and excise, levied from Scotland, was appropriated to the payment of the debt of England, it was fair and reasonable that a part of the equivalent, which the former received for doing this, should be appropriated to the discharge of her own internal debt. The application of the remainder was equally just and expedient; and the general effect of it was, to put Scotland into cash and credit, without which she could not have availed herself of the commercial privileges conferred upon her by the union.

XVI. The coin to be of the same standard throughout the united kingdom as now in England.

<sup>5</sup> The debt of England at the union amounted to twenty millions, but funds were only provided for seventeen millions; and therefore it was stipulated, that if any part of the funds, to be afterward devised for the payment of the remaining three millions, should affect Scotland, she should receive an additional equivalent for her indemnification.	The debt of Scotland amounted to £. 160,000
The total income or revenue of	The excise in Scotland - - - 35,000
England - - - £. 5,691,803	The customs - - - 30,000
The customs produced - - - 1,341,559	Crown rents, land-tax, or cefs and post-office - - - 125,000
The excise - - - 947,602	<sup>6</sup> The sum of two hundred and forty-three thousand one hundred and sixty-six pounds was paid out of the equivalent for the capital stock, and interest upon it, belonging to the proprietors of the African company, and the discharging of the debts due by them. Defoe, p. 514. 554.

XVII. The same weights and measures to be used as now in England.

XVIII. The laws for the regulation of trade, custom, and the excises, which Scotland is to be liable to, to be the same with England. Other laws in Scotland to remain as before, but alterable by parliament. Laws which concern the public and civil government to be the same throughout the united kingdoms; but no alteration to be made in the laws which concern private right, except for evident utility of the subjects within Scotland.

"It is a great happiness," says Sir John Clerk, "that our laws were not like those of the Medes and Persians, unalterable; and that they were still subjected to the parliament of Great Britain. Some of them have been altered; and many of them ought to be altered, particularly where private rights interfere with public advantages." Sir John Clerk's MSS.

XIX. The court of session, and the court of judicary, shall remain in Scotland as they are now constituted by the laws of that kingdom. All other courts, now in being within the kingdom of Scotland, shall remain, but subject to alterations by the parliament of Great Britain. All admiralty jurisdictions shall be under the lord high admiral, or commissioners for the admiralty of Great Britain. There shall be a court of exchequer in Scotland after the union, for deciding questions concerning the revenue, having the same power and authority as the court of exchequer in England.

XX. All heritable offices, superiorities, heritable jurisdictions, offices for life, and jurisdictions for life, shall be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of Scotland.

This article, had it been strictly adhered to, must have proved an insurmountable obstacle to the extension of liberty in Scotland. The treaty of union afforded a fair opportunity for abolishing those relics of the feudal system, which had often endangered the throne, and obstructed the course of justice, and entailed many grievances on the lower ranks of society.

society. But so tenacious were the gentlemen of Scotland of the deformities of their constitution, that the treaty was made an instrument of recognising and perpetuating them; and the word *superiorities*, which had been omitted in this article, by the commissioners at the Cockpit, was recalled and insisted upon by the Scottish parliament, as if they had been jealous of the intrusion of reform where it was most needed. This illiberal spirit of our ancestors has, however, rather retarded than prevented the correction of those evils arising from hereditary jurisdictions and servile tenures, which were sanctioned and ratified by the union. While the strongest motives of justice and policy have constrained the legislature to dissolve privileges, which were so pernicious to public order and general freedom, the enlightened understanding and good dispositions of those, who were interested in retaining them, have prevented their taking any advantage of the formality and strictness of a legal stipulation.

XXI. The rights and privileges of the royal burghs of Scotland shall remain as they now are, notwithstanding the union.

XXII. Sixteen of the peers in Scotland shall sit and vote in the house of lords, and forty-five representatives of Scotland, in the house of commons, of the parliament of Great Britain; the choice whereof to be according to the act passed in Scotland for that purpose.

During the short union of the two kingdoms, under the protector, thirty members only had been allotted to represent Scotland; and the English commissioners expected, that the addition of eight, out of the commons of Scotland, which they voluntarily proposed, besides the sixteen peers, would have given entire satisfaction. Upon the scheme of adjusting representation to public burdens, it was more than double what Scotland was entitled to demand; but, upon that of adjusting it to population, it was still in a greater proportion deficient<sup>2</sup>. In the former case, the number of representatives would have amounted to thirteen; and, in the latter, to one hundred and seventy; but as neither of these extremes were likely to be accepted by the respective parliaments of the two kingdoms, the Scottish commissioners were desirous to take a middle course, and to fix their representation, agreeably to the combined estimation of numbers

<sup>2</sup> The number of people in England, at the union, was supposed to be six millions; in Scotland near two.

The peerage of England amounted to one hundred and eighty-five; of Scotland, to one hundred and forty-five. The house of commons in England consisted of five hundred and fifteen members; the representatives of the counties and burghs of Scotland, who sat in the same house with the peers, were one hundred and fifty-two.

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and property. This however was a point which the English commissioners, knowing the temper of the parliament, were determined not to yield. They agreed, at length, to the number of forty-five members, from the counties and burghs of Scotland, which was assigning her a tenth part of the representation in the united legislative body<sup>\*</sup>.

There was not any class of men in Scotland apparently more degraded and injured by the union than the Scottish peers. Instead of an inherent, personal right, of sitting and voting in the legislature, they were to be reduced to the precarious privilege of an election, so scanty, as to admit less than a tenth part of their number. The majority of the peers certainly would not have concurred with this article, had they not been allured by the prospect of advantages, which could not, with propriety, enter into the treaty. "I must here declare," says Sir John Clerk, "what I know to be the true reason of their coming so easily into this article. Most of them had promises made to them, that the restriction of their number to sit in parliament needed be no objection, for that most of them would be created peers of Great Britain after the union, with the privilege of sitting in the house of peers; and that, by degrees, all the noble families in Scotland would be received into the full enjoyment of the peerage of Great Britain."

XXIII. The sixteen peers of Scotland shall have all the privileges of parliament which the peers of England now have, and particularly the right of sitting upon the trials of peers; all the peers of Scotland, and their successors, shall be peers of Great Britain, and have rank and precedence next, and immediately after, the peers of the like orders and degrees in England, and shall enjoy all privileges of peers as fully as those of England, except the privilege of sitting in the house of lords.

XXIV. There shall be one great seal for the united kingdoms; a seal to be still used in Scotland in things relating to private right; the crown, sceptre, sword of state, and all records whatsoever, shall continue to be kept in Scotland.

XXV. All laws and statutes, inconsistent with the terms of these articles, shall cease and become void.

<sup>\*</sup> "The inability of Scotland, at that time, to send a greater number possessed of fortunes, adequate to the expence of a journey to London, and living there, was an argument, which secretly had its weight in reconciling the Scotch members to this scanty representation." Sir John Clerk's MSS.

N<sup>o</sup> II.

## LETTER from the Duke of MARLBOROUGH to the Duke of SHREWSBURY.

MY LORD

Camp at Sefelingen near Ulm, Aug<sup>t</sup> 30<sup>th</sup> 1704.

IT was with great pleasure that I received yesterday the honour of your graces letter of the 26<sup>th</sup> past, and am particularly obliged to you for your kind congratulation upon our success at Schellenberg, our latter victory at Bleinern I am confident must have given you much more satisfaction, as it is of greater consequence to the Publick, and the enemy's loss more than we could have expected, or indeed have ventured to wish for; the Elector of Bavaria has been oblig'd to abandon his country, and by several letters intercept'd going from the enemy's camp at Duttlingen to Paris dated the 19<sup>th</sup> Instant, they own that this Battle has Cost them upwards of forty thousand men, killed, Prisoners, and by the desertion since upon their hasty march, or rather flight towards the Rhine. Mon<sup>r</sup> de Tallards army we reckon in a manner entirely cutt off, besides the loss sustain'd by the Mereshall Marcin, and the Elector of Bavaria's Troops. We leave General Thungen here to besiege Ulm as the chief key into these countrys, and with the rest of the army are marching towards the Rhine, where I hope God Almighty has further blessings in Store for us, before the end of the Campaign. I beg your grace will let me have the Satisfaction of hearing sometimes from you under cover to M<sup>r</sup> Davenant the Queens Resident at Francfort, and that you will do me the justice to believe me with the greatest truth and Sincerity

Your Graces most faithfull Obedient Servant  
MARLBOROUGH.

Besides what has been taken by P. Eugene, and the Germans I have 107 Colours, 34 Standards and 44 pieces of cannon, which were all taken by the troops I have the honour to Command, as also the inclosed list which are all to goe for England.

From the  
Shrewsbury  
Papers.



## N° III.

✧ The following Letter from the Duke of MARLBOROUGH to the Duke of SHREWSBURY is inserted, because it gives an account of subsequent operations of the campaign, and of the desire of the cabinet to extend the Grand Alliance by the accession of the Venetians.

MY LORD

Camp at Weissenbourg 30<sup>th</sup> Sept<sup>r</sup> 1704.Shrewsbury  
Papers.

I have already own'd, by mine of the 28<sup>th</sup> past, the recit of your Graces letter the 26<sup>th</sup> of July, as I must do that of the 30<sup>th</sup> August, which M<sup>r</sup> Stepney, who has been so kind as to Come and make me a visit from Vienna, delivered to me the last weeke. I cannot be enough thankfull for the obliging terms you are pleas'd to use, nor can I expresse the satisfaction I have in the hopes you seem to give of seeing you in England; 'Tis what I have longed for a great while, as well as many other of your friends, but I dare say none would enjoye more real pleasure in it than my Self, by my last I told your grace we were hastning towards the Rhine, we pass'd that river at Philipsbourg sooner by some days, then the enemy expected, however they pretend'd to give us battaile on the Spireback, and had actually posted, and fortess'd themselves on the Queich in order to disput our Coming to Landau, but upon our approach they always retired with great precipitation and left us at last entier masters of the Siege, which the king of the Romans is carrying on, while P. Eugene and myself Cover it, as your Grace will already have been informed; the Continued rains we have had for several days past, have been some obstruction to us, but now that faire weather seems to be sett in againe, the siege will be carry'd on with greater vigor, so that we hope to be masters of the place in about three weekes, after which if the season feavour us, I shal endeavour to seize Trarback, and extend our Winter Quarters to Treves and along the Moselle and so end the Campagne.

I have a letter from the last post by M<sup>r</sup> Secretary Harley, in which he gives me his privat thoughts, that this might be a proper juncture to set on foot a negotiation with the Venetians, for bringing them into the grand alliance, wherein I am confident, if you wou'd give yourself the trouble, your knowledge and interest in those parts might be of great use, and I am as sure Her Ma<sup>ty</sup> wou'd readily come into any measures you shou'd propose, therefore I beg that by your next you wil please to give me your opinion of this

this matter, with what hopes there may be of success, and the most likely means of bringing it to pass. Wee have been keep' a long time in suspence about the success of the engagement between the two fleets in the Mediteranien, and are stil without any relation that can be depend'd on, but by what we have from France, we have reason to beleive, the advantage has been on our side. I am with great truth and respect

MY LORD

Your Graces most obedient humble Servant  
MARLBOROUGH.

## N° IV.

✧ The following Letter from the Duke of MARLBOROUGH to the Duke of SHREWSBURY, gives a short view of his situation at the beginning of this Campaign, and corroborates the account I have given of it.

MY LORD

Maastricht June 30<sup>th</sup> 1705.

By the failure of our friends in all they promis'd me on the Moselle I have been obliged to march back to the Meuse. I was 15 days together in the camp of Elft without being joined by any troupes but what were in the english and Dutch pay, though I was to have been considerably reinforced by the Germains immediately upon my taking the field, and finding already a scarcity of Forage, by the unseasonable cold weather, which had destroy'd all the grasse and oates, with no maner of hopes of being supplied in any reasonable time with horses and carriages promis'd for bringing up our great artillery for the siege of Saar Lewis, where if we had been once posted, we should have been plentifully supplied with subsistence out of Loraine, all these disappointments obliged mee to yield to the pressing instances of the states and their Generals, to come hether to their relief, Mon<sup>s</sup> de Villeroy had already taken Huy, and was come before Liege, where he had begun to raise his batteries, and was threatning Limbourg & Collogne by detachments att the same time, but upon our approach he drew of his canon, & sent it back to Namur, retiring with his army to Tongres, where it was resolv'd to have march'd directly to him to-morrow, but I have just now advice that he is march'd this morning to Montenac towards

Shrewsbury  
Papers.

## APPENDIX, N° IV.

towards their lins; so that the first thing we shall do wil be to retake Huy. When I march'd from Treves, I left there sixtten battalions of foot, and 15 Squadrons of horse for the security of that place, in hopes I might have been able to have returned to the Moselle in five or six weeks, but I have receiv'd advise that those troupes have already abandoned the place without being attack'd; when I have the satisfaction of seeing your Grace I shal tel you a great deal more of the usige I have met with, in the mean time I heartily wish you a good jorny, and am with the greatest truth, and sincerity<sup>9</sup>.

MY LORD

Your Graces most obedient humble Servant

MARLBOROUGH.

## N° V.

The following Letter to the Duke of SHREWSBURY shews how deeply the Duke of MARLBOROUGH felt the disappointment occasioned by the timidity of his Dutch colleagues.

MY LORD

Camp at Corbais 24<sup>th</sup> August 1705.Shrewsbury  
Papers.

I WAS flattering myself with hopes of the long expected happiness of seeing your Grace in these parts, when I received the honour of your letter of the 10<sup>th</sup> Instant, with an account of your being laid up with a fitt of the gout, I assure you I take great share in whatever you suffer, & am the more concerned at your present illness, because it deprives me of the sole satisfaction

<sup>9</sup> In the above letters, the orthography of the original manuscripts in the duke of Marlborough's own hand, is literally adhered to. Several authors have noticed the incorrect spelling which occurs in the duke's letters, as if it had been peculiar to him, and a proof of his being singularly illiterate; but it ought to be considered, that there was no regular and established system of orthography at the period in which he lived; and even some of his learned contemporaries, if tried by later stand-

ards, will appear exceedingly deficient in this accomplishment of a scholar. All the duke's letters are written in that concise and perspicuous style which indicates a clear and manly understanding; some of them, which were composed with deliberation, and on great occasions, are distinguished for elegance and refined address; and far less censurable for inaccurate orthography than the specimens here produced.

## APPENDIX, N° V.

satisfaction I had propos'd to myself for the rest of the Campagne, for which loss however I should think myself sufficiently recompens'd if for a transient fitt you should at length get ridd of your old distemper.

Our army is in a manner laid up too by a disease for which I see no cure, otherwise there is great reason to believe we might have made a considerable progress in the enemy's country, in order to which I had at the camp at Meldert with great difficulty got together a provision of about ten days bread, and having march'd four days together through several defiles and part of the Bois de Loignies, the army came the 18<sup>th</sup> Instant into a spacious plain with only the Yfche between us and the enemy, about noon we were formed in order of battle, and having visited the posts with Mons<sup>r</sup> D'Auverquerque, we resolv'd to attack, thinking there was no more to do but to order the troops to advance. When the deputies of the states having consulted their other Generals would not give their consent, so that I was with great regret obliged to quit the enterprize, which promised all imaginable success, and to march back with the melancholy prospect of being able to do nothing more this campagne, whereof so much still remains behind, than make the siege of Leeuwe, and demolish the lines. This disappointment at a time when our expectations are so little answered else where makes me very uneasy, & since all my remaining consolation is in your good company I hope as soon as you have your health no thing will hinder you from hastening this way<sup>10</sup>.

MY LORD

Your Graces most faithfull and most Obedient humble Servant

MARLBOROUGH.

<sup>10</sup> The above letter is written in Mr. Cardonels hand, and the duke subjoins the following postscript with his own hand:

"This last disappointment vexes me so much

"that I am dead with the headake, which I hope will prevaille with you to pardon my making use of Mr. Cardonels hand."

## N° VI.

The following Letters from Lord Halifax are a part of the Hardwicke Collection, and having never been before published, will be acceptable to some of my readers, on account of the eminent literary character of the author, as well as their reference to his embassy to the court of Hanover<sup>11</sup>.

## LETTER from Lord HALIFAX to Mr. HARLEY.

SIR

Hanover 8th May 1706.

I HAVE received this morning the honour of your letter of the 27<sup>th</sup> May, by which I hear the glorious success of the Duke of Marlborough has reached England. I am confident you are all in raptures. I look upon the war at an end, that France will be obliged to make peace on what terms the Queen pleases to demand, and that my message to this place will quickly be made more certain by the Prince of Wales's journey to Rome. In obedience to my instructions, I have had private audiences of the Elector, the Electress, the Prince, and Princess Electoral, and of Duke Ernest. I repeated to them all, the assurances I had before given them of the esteem, affection, and friendship that the Queen has for them; and they have ordered

<sup>11</sup> This great man was one of the pillars of the whig party, and would have been an ornament to any: he was irreproachable, on the heads of inconsistency, duplicity, and corruption. He was the great friend and confidant of lord Somers, and as the regency bill was framed by the latter, it is no wonder that lord Halifax was thought by him the most proper bearer of it to Hanover. It has been said by those who knew him, that he had a mixture of vanity and affectation in his character, which sometimes exposed him to ridicule; and when he was at the electoral court on this commission, he entertained them, not to his own credit, with a favourite Italian air which Nicolini had sung in England. If this is true, it shews the foible of human nature in the most shining characters. It is believed that, on the accession of the Hanover family, he expected to have been lord treasurer, and was greatly morti-

fied by being only appointed first commissioner of the treasury. I heard the duke of Newcastle say, that lord Halifax's first levee at the auditor's exchequer-house was the most crowded and brilliant he ever saw.

It may be fairly asserted, that the administration, which lord Halifax flourished in, were the greatest encouragers of men of real talents and ingenuity of any we have had in England. Addison, Prior, Locke, Steel, and Congreve were all promoted under it, and when it is also remembered, that sir Isaac Newton was at that period (viz. in 1699) made master of the mint, *verbum non amplius addam* as to patronage of merit.

The above anecdotes were communicated to me by lord Hardwicke, and composed, I conjecture, by his uncle the late lord Hardwicke.

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me to assure her majesty that they have all the duty and respect imaginable for her. When I waited on the Electress, I carried to her printed copies of the acts in English: she gave me leave to read them to her, and I endeavoured to explain to her highness the necessity and use of all the parts of them. I gave the Elector a translation of the act in french, and gave him a short account of the proceedings upon it in parliament, and the motives and grounds that the houses had for preferring such an establishment to the motion of the invitation, which he assured me he never approved<sup>12</sup>. He desired the ministers might have a conference with me upon the last act, and accordingly the Count Platte, Count Berndorff, Mons<sup>r</sup> Gufitz, Mons<sup>r</sup> Buleau Mons<sup>r</sup> Oberg and Mons<sup>r</sup> Else, came to my house on Saturday. I had M<sup>r</sup> How with me and they brought Mons<sup>r</sup> Robethon who was interpreter betwixt us. I explained to them all the clauses in the act, as it seemed to their satisfaction. They made a report of what had passed to the Elector and Electress, and I am told they are now fully satisfied of the care and prudence of the Queen and parliament in making such an establishment, and will omit nothing on their part to shew their approbation of it, and to make it more effectual. The Electress will suddenly send over three instruments whereby she will nominate some persons to be Lords' justices pursuant to the act. I hope I have now fully executed the Queens commands in this particular, and when the ceremony of the garter is over, I shall take leave of this court and return for England. Lord Marlborough's conquests will make my stay on this side the water much longer than I thought. I promised to bring him an account of this court, and my negotiation when I thought I should find him in the neighbourhood of Liege or Macstricht; but where shall I now follow him? The King of Prussia will be here next week, and tho' I would not have gone far out of the way to meet him, I think I must not run away from him now he is coming. They expect he will propose a match betwixt the Princess of Hanover and his son, which are both nearly related to the crown of England. I wish you much joy of all this good success, and hope in a short time I shall have the honour of kissing your hands. I am &c.

(Signed) HALIFAX.

<sup>12</sup> This is true: the elector disapproved of the inclinations of the princess Sophia. Ar- the forwardness of his whig friends in this cherly's Case, MSS. business, though it was perfectly agreeable to

## N° VII.

*From the Same to the Same.*

SIR

Hanover, 24th June 1706.

SINCE my last of the 15th, the King of Prussia is arrived here; and yesterday morning a marriage was concluded between the Prince Royal and the Princess of Hanover. Both the courts seem extremely pleased with this match; the acquaintance & good correspondence that used to be among them being in a manner broke off by the death of the Queen of Prussia; but this new alliance will probably put all right, and make the affection and friendship between the two houses more hearty and sincere than it was at the latter end of the Queens life. I cannot but think the Queen and the English will be very well satisfied, that a Prince and Princess, that are related to England, are thus joined together, and that all the most considerable protestant interest is so firmly united. I have said this as my own opinion, and I believe it would be mighty acceptable to them if the Queen's ministry were instructed to express her majesty's satisfaction in it. The Electress sent me the inclosed for the Queen which I beg you will present to her majesty with my most humble duty; I am confident they would have asked the Queens consent in form before now if any certain measure could have been taken of the Kings humour. His stay here will keep me till this day sen'-night tho' I had fixed my journey for Tuesday. I am &c.

(Signed) HALIFAX.

## N° VIII.

*The Same to the Same.*

SIR,

Hague 16th July 1706.

IN my last I gave you an account of my last conference with the ministers of Hanover, & how that commission was concluded which I had to that court. Since I came hither, I have endeavoured to do what I could in promoting the treaty which the Duke of Marlborough began<sup>22</sup>, and I hope I have done some good. The states of the province of Holland had it under the Examen, as they call it, to day; and their opinion (or advice) is in favour of

<sup>22</sup> The Barrier Treaty.

it;

it; but according to their forms it must be proposed in the several towns before it is offered to the States General. They were sworn to secrecy in this affair, but by what I can learn they have agreed, That the Queen shall be acknowledged as a preliminary, and her ministry received as such by the treaty, for they could not answer the Arguments upon that head. They have also agreed that the succession shall be settled & acknowledged in the Treaty; but then as a security to them they would have the Queen promise that their barrier shall be settled and specified according to the 5<sup>th</sup> Article in the Grand alliance. But I believe they are not fully agreed how this article shall be drawn. Some would have it conceived in General words, in which there would not be much difficulty; others would have the towns named, which they think ought to be put into their hands to secure their frontier, but that may not be so proper, especially since the most considerable of them are not yet in their power. And after they have turned it several ways, I believe it will end in desiring the Queen to be guarantee to them, that at the conclusion of the peace they shall have such a barrier given them as they shall think sufficient for their safety and security. If the Queen is pleased to give them this Covenant as an equivalent for their being guarantees of the succession, I hope the thing is done; & I cannot doubt but this will be approved. The terms are equally reasonable on both sides; for securing our succession is truly their interest, and their barrier is our security. Having brought this great affair to this point I know no further service that I can do. The states of Holland adjourn to-morrow, and then I shall set forward upon my journey to wait upon L<sup>d</sup> Marlborough. He has been pleased to stop the Henrietta Yacht to stay for L<sup>d</sup> Hertford and me: M<sup>r</sup> Cardonel has written to M<sup>r</sup> Burchet for his Royal Highnesses approbation; here are also two frigates, the Hastings and Rochester prize. I would humbly beg that they might stay to convoy us over. When I am in Flanders, I shall have no pretence to take this liberty of troubling you in this manner, and I beg leave to return you a thousand thanks for the honour of your correspondence; and when I come to England I will wait upon you to desire the continuance of your favour & friendship, which I value & esteem extremely. I am &c.

(Signed) HALIFAX.



## N° IX.

*The Same to the Same.*

SIR,

Hague 10th August 1706.

I RECEIVED the honour of your letter of the 16<sup>th</sup> July at the camp, where I had little leisure and less convenience to make answer. I met another from you of the 3<sup>d</sup> August at my return to this place. I am very much obliged to you for the good opinion you have of my care for the success of the treaty, which meets with more difficulty than I expected. All the towns of Holland have agreed to it except Leyden: The deputy of that town has yet some difficulties which are not to be understood, and seem to be rather humour & perverseness than any solid reasons. I have done my best to satisfy him, but it has not yet had its effect. Tomorrow morning they take it under consideration again & I hope will finish it; I hope to take the advantage of a convoy that brought over Lady Essex, & that I shall be able in a short time to return you thanks for the honour of your correspondence, & to assure you with what sincerity & respect, I am &c.

(Signed) HALIFAX.

## N° X.

✂ The two following Letters throw light on the debates which took place in the English Parliament, after the passing the Scotch Act of Security; and also on the state of parties at this period.

LETTER from Mr. VERNON to the Duke of SHREWSBURY.

1<sup>st</sup> Dec<sup>r</sup> 1704<sup>14</sup>.

Shrewsbury Papers.

THE house of Lords spent wednesday in the consideration of scotch affairs. My L<sup>d</sup> Rochester opened it & would have had their act of security read. My L<sup>d</sup> Nottingham seconded him and enlarged upon it.

<sup>14</sup> Mr. Vernon was appointed secretary of state in the year 1697, in which office he continued till the beginning of the year 1700, when he became obnoxious on account of his having had a principal share in the business of the partition treaty.

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My L<sup>d</sup> Wharton, & L<sup>d</sup> Somers, opposed the reading the act, tho' it was done in the Darien business, yet they observed that it was an act printed at Edinburg by authority, but this comes to them no otherwise than by the flying post, & other prints of no greater authority, which likewise disagree in the account they give of it.

Tho' my L<sup>d</sup> Somers disagreed to the reading of the act, yet hee did not much differ in opinion as to the inconveniences of it, and found no less fault with another act, passed in that parliament for exporting wool. But, in conclusion, he moved for a longer time to consider what they should advise by way of remedy for the mischiefs these acts portended. This was readily seconded by my L<sup>d</sup> Rochester, as if it had been by concert between them. But I think that this is not the case, it is rather supposed they have different aims. So many things have happened of late, as may induce one to believe, that the old and new ministry may grow to understand one another better. My Lord Treasurer took an occasion to speak pretty plainly in this matter. He owned he had known a good deal of Scotch affairs of late, & wished he had not seen them as they were. He could not disagree, but the bill of security might have an untowardly aspect, but yet as circumstances then stood, there might have been more immediate danger in refusing the royal assent<sup>15</sup>, and whatever ill look it had at present, *he thought it was not without a remedy.*

Some think My L<sup>d</sup> advanced too far, & gave a handle against himself to be charged as the adviser of passing the bill; but I can't but think he had well considered what he would say. The queen, who was present at the debate, might expect something should be said in her behalf, as far as she was concerned, and I must always remember the partition treaty, which I think, could never have been pushed so far, if every body would have owned, at first, what they knew of it, and said as much for it as it would bear &c. &c.

<sup>15</sup> The consent of the queen to the act of security gave great offence to her subjects in England, and brought a torrent of odium upon lord Godolphin, who was believed to be the adviser of that measure. From the above letter, it appears, that lord Godolphin did not disown his having advised the queen to ratify the act of security, on account of the critical situation of affairs of Scotland; that he foresaw the inconveniences arising from it, but thought they were not without a *remedy*. The remedy to which lord Godolphin referred was undoubtedly the union; and hence there is plausible ground for concluding, that the union was not an accidental and unforeseen consequence of the act of security; and contrived posterior to the act, to prevent its ill consequences; but that the former was predetermined, and intended to bring about the latter. It is curious, that the very word *remedy*, used by lord Godolphin, is also used by sir John Clerk, upon the same subject. "They themselves, namely, the ministers, invented or encouraged a formidable act in Scotland, in order to frighten the parliament of England, to provide a speedy remedy against it. "This remedy, as I have before noticed, "was the union." Sir John Clerk's MSS.

## N° XI.

## LETTER from Mr. VERNON to the Duke of SHREWSBURY.

8th Decr 1704.

Shrewsbury  
Papers.

I ACQUAINTED you last week with the first overture of the Scotch business in the house of Lords. They were upon it again on Wednesday last, and it proceeds, gradually, according to the plan already hinted at. The Lords that entered the lists on Wednesday were the Earl of Rochester, the Earl of Nottingham, and Lord Haverham on one side, and my Lord Somers, Lord Wharton, and Lord Halifax, on the other, her majesty being again present at the debate. The three first mentioned Lords pressed the house to pass a judgement on the scotch act of security, that it was of pernicious consequence, tending to defeat the protestant succession, and to alienate the two kingdoms from one another, some of them came out with it in the debate, that this question being carried would lead them to enquire, who gave the advice for passing it, and it was likewise said, that from whomsoever the advice came the queen ought to have withstood it.

The other three Lords opposed that question, thinking they ought rather to apply themselves to find out the best remedy they could, they were not for telling the Scots, they ought not to pass any act that house should not like, but leaving them to their own freedom and independence, which they shewed such a jealousy of. When they saw any thing done this kingdom might be affected with, it seemed more parliamentary, to obviate it in a legislative way, and therefore my Lord Somers moved, that they should go by way of bill, wherein they might shew, that if the Scots pretended to set up a separate kingdom, they, in probability, would be the greatest losers by it; and since they had so mean an esteem of the advantages they had by their present union with England, perhaps the generality there might have a better opinion of them when they saw any danger of their being lost, and, in order hereto, he proposed that the house should go into a grand committee on Monday to consider of proper heads for such a bill, or bills. My Lord Treasurer came into this motion, as the most likely means to obtain what they aimed at from Scotland. Some Lords anticipated the debate appointed for Monday, and hinted at some heads they thought proper, such as prohibiting scotch cattle to be brought into England, the suppressing their hawkers and

pedlars<sup>16</sup>, & incapacitating Scotsmen from having any employment here civil or military; & as they opened it, they would not have this to operate immediately, but that there should be a competent time allowed in the bill before it should take place. Whereby is understood, that if the parliament of Scotland in their next session shall come to a better temper, these acts may likewise be reversed at our next parliament without being put in execution. My Lord Halifax, I hear spoke long and very well. He put them upon considering how this ill blood had been breeding in Scotland for several years ever since the Darien project was set on foot, and he remarked that the same gentleman, meaning Mr. Johnston<sup>17</sup>, who had so principal a hand in promoting that act, was no sooner advanced to the ministry again, but we see another notorious breach made upon the good understanding between the two kingdoms. My Lord Pawlett said something in vindication of his kinsman, Johnston, but closed with the motion for proceeding by bill. My Lord Peterborough likewise spoke in favour of Johnston, and carried his discourse farther than there seemed to be any occasion for, towards an apologizing for the ministry, who he thought were to be pitied in having such a load upon them, as to be contesting, at the same time, with the folly of Portugal, the obstinacy of the Emperor, the selfishness of the Dutch, and the madness of Scotland, all superadded to the power of France. The Bishop of Salisbury said nothing that day. The Lords, who proposed the first question, insisted pretty much upon having it put, but the house showed no disposition towards it, inasmuch that my Lord Nottingham told them, they were not for going to the bottom of the fore, to which Lord Mohun replied, they would go as far as was necessary for healing the wound, and asked his Lordship if he were for rubbing it to a gangrene. Matters being thus well prepared in the house of Lords, the great expectation is, whether the commons will go on in the same method, when they enter upon the consideration of it, on tuesday next. If they concur, I hope the two kingdoms, as well as the administration will find their quiet by it. &c. &c.

<sup>16</sup> See p. 191, of the History, in the note.

<sup>17</sup> He was made secretary of state for Scotland, by king William, in the year one thousand six hundred and ninety-two, and had the principal influence in persuading his majesty to pass the act in favour of the Darien company; and was dismissed upon that business being enquired into and refuted by the English parliament. Burnet, vol. iv. p. 166. 303. He had lately been made lord register in Scotland,

and was much trusted by the earl of Godolphin. He was suspected of being friendly to the pretender; and it was said by his enemies, that though he had received public instructions from the treasurer to promote the protestant succession, yet he was privately, perhaps not without the connivance of their author, using the utmost endeavours to thwart it. Id. vol. v. p. 796.

## N° XII.

## LETTER from the Duke of MARLBOROUGH to the Duke of SHREWSBURY.

MY LORD,

Meldert, July 27<sup>th</sup>, 1707.Shrewsbury  
Papers.

I HAVE forborn returning your Grace my thanks for yours by Mr. Irons, in hopes to have had some good news, to have sent you from this army, but the force of the enemy has made us so very cautious, that I despair of doing any thing considerable this campagne, and having received an express yesterday from P<sup>r</sup>. Eugene, I wou'd not lose any time in letting you know that they have entered Provence without any loss, and have resolv'd to begin with the siege of Toulon, if they succeed France will be a great while recovering this blow, we shall know by to-morrows letters from the Rhin, if it be from that the Marechal de Villars has detached 30 squadrons and 24 battalions, that joyn'd with what may march from Roussillon must make the Marechal de Tessée army stronger than the Duke of Savoy, but as the Duke of Savoy is like to have one months time before these detachments can joine the Marechal; I hope his R. H. will have taken the town, by which he may be in a good condition to venture a battle, the gain of it, may hasten my waiting on you, to your new building, for I long to be at quiet in Oxfordshire. I have had it in my power<sup>17</sup> to make Mr. Irons a capt. without doing much injustice. I beg my most humble respects may be given to the duchesse of Shrewsbury, and that you will believe me what I am with much truth,

MY LORD,

Your Graces most obedient humble Servant  
MARLBOROUGH.

## N° XIII.

## LETTER from the Duke of MARLBOROUGH to the Duke of SHREWSBURY.

MY LORD,

Soignies, Aug<sup>t</sup> 16<sup>th</sup>, 1707.Shrewsbury  
Papers.

I RECEIVED last night the honour of your Grace's letter, and would lose no time in returning my thanks for it. I can't help wishing, when you were so near, you wou'd have made your compliments att court, being sure

<sup>17</sup> The word power is omitted in the original.

it

it would have been taken kindly, and am sure none that knows you could have put any sinister construction upon it, I hope you will allow me leave to make the best use of what you write to me on that subject. We have been marching for five days together, with a design to bring the enemy to a battle, we were twice in hopes of it, one of them was the anniversary of Blenheim, and if the enemy wou'd have stood, with the blessing of God, we might have had the like good success, but they continually retired before us, and yesterday got to the Camp of Cambron, but this march has cost them above two thousand deserters, besides what they suffered by the fatigue of their march for want of bread for three days together; hearing your house may be ready before mine, I have consented that the East part may be made habitable, so that I may have the honour and happiness of being near you. I am very much obliged to my Lady Dutchess for her remembrance, and pray you will assure her Grace of my most humble service. I am with truth and respect,

MY LORD,

Your Graces most obedient humble Servant  
MARLBOROUGH.

## N° XIV.

✧ The following Letters exhibit the commencement and progress of that disagreement which took place between Lord Godolphin and Mr. Harley, and give an insight into the trimming system of the latter, and the state of cabinet politics at the period referred to.

Lord GODOLPHIN to Mr. HARLEY.

SIR,

10th August 1706.

I HEREWITH return the letters and papers you sent me, with many thanks for the favour of your letter, and your being so particular in the matter upon which I desired your thoughts, tho' I differ in opinion. I think the matter of elections was but a pretext taken in the last session<sup>18</sup>; there was an

Hardwicke  
Papers.

<sup>18</sup> He probably refers to the notorious partiality and injustice relative to questions of contraverted elections, which took place, under the auspices of the present ministers, and gave great offence to persons of probity and honour of every party.

averfeness.

averseness at bottom to do any thing that they thought would give merit to the whigs, tho' it was and is a demonstration, that without them and their being entire, the Queen cannot be served; but the leaning to what I take to be an impossibility will, I doubt, make them jealous and uneasy, and at best but passive; the consequence of which is, that the majority will be against us upon every occasion of consequence. I hope, however, the Queen's service will go on, and for myself I am as little concerned as one need to be upon such an occasion, but I am not blind nor asleep.

The Topics you mention would not hurt us alone, if there were not a preparation to make those uneasy and jealous, from whom only we can have or hope for any friendship<sup>19</sup>.

I think you do very well to have a watch upon Robinson, as to the affair of Mr. Clement I shall be Saturday night at London, so I beg it may be deferred till then.

I wish the convoy might be dispatched that is to bring over the D. of Marlborough.

(Signed) GODOLPHIN.

### N° XV.

#### LETTER from Mr. HARLEY to Lord GODOLPHIN.

MY LORD,

Brampton, 15<sup>th</sup> August 1706.

Hardwicke  
Papers.

I RECEIVED this morning the honour of your Lordship's letter of the 10th (I arrived here but last night late,) with other letters from London. I received a private letter from the D. of Marlborough, with one enclosed from the Elector of Hannover to his Grace, which I send herewith to your Lordship. The public letters are delivered to Mr. Secretary Hedges, who, I doubt not, hath attended your Lordship with them. Your Lordship may please to remember that Mr. Schuts said, there was no such treaty designed by his master, as the King of Prussia would set on foot; and that it was only a tentative of that court to fish out the inclinations of the Queen and the Elector, and to set on foot some sort of negociation with Sweden, by which he might get something<sup>20</sup>.

<sup>19</sup> Lord Somers and Lord Halifax are, I think, the persons whom he has in his view; they were, for some considerable time, exceedingly jealous of the Duke of Marlborough and the Earl of Godolphin, because they had been originally Tories, though they now found it to be their interest to disclaim their former principles, and coalesce with the Whigs.

<sup>20</sup> The King of Prussia was never out of a plot for extending his own power and interest.

As

As to the other particulars the Duke mentions, about the treaty for the succession and the barrier, as also for guaranteeing the peace, I wrote as fully as I could to my Lord M. Thursday sen'night; and think mentioned the same to your Lordship, that I humbly conceive these treaties should be finished as soon as possible, as also the affair of the minister, for those two points are made use of by the ill intended in Holland to the prejudice of England; the project Lord Halifax brought over I have left sealed up with Mr. Lewis<sup>21</sup>, who will bring it to your Lordship whenever you will please to command it. I think the objections my Lord Halifax makes to the barriers being too generally expressed, and that it ought to be more particularly specified, are very just; but if they are obstinate in it under pretence they cannot decently particularise places which are not in their power, I humbly proposed to my Lord Duke to consider whether that matter might not be accommodated by putting the particulars into a secret article. But I doubt not his grace will find out a proper method to settle that point.

As to home affairs, what I wrote to your Lordship was in the sincerity of my heart, and what I could collect from my conversation with both parties, and of which I am at any time ready to give your Lordship the particulars: but far be it from me to espouse any opinion of my own, or to differ from your Lordship's judgement. I shall always be ready when required, and never but then, to give my poor thoughts and such reasons as I have, and when I have done that, I know myself too well to be fond of any notions of my own, with that attachment to your Lordship and Lord Marlborough which I shall always preserve.

The reason I mentioned Elections in my letter was because the occasion of stumbling is in a great measure removed, and from the little experience I have had, the attempting to bend every body in one measure in the affair hath proved one of the greatest means of ruining the expectation of that party which hath attempted it, and I have often seen the foundation laid of blowing up each of the factions by that very method; and the reason is plain, for those very Gentlemen who think themselves to be independent, and would be thought to be so, but yet would support the Queen and serve her ministers, expect their compliance therein should be accepted, and that they should be left to themselves in personal friendships and matters which I will always think remote from the government observation, and that if they vote for the public service of the government and support the ministers, more ought not to be expected of them: indeed I have not been able to answer them when they have said, why should not every body's service be accepted of as far as they will go, and it is not

<sup>21</sup> He was under secretary of state.

impossible



impossible but one step may draw on another; this I am certain, that many of the most staunch whigs (not whimsical) have and do frequently lament the fury of their leaders, and have rejoiced when their presumption was humbled; and to use an expression of one of them, that if they were gratified in all they desire they would immediately be undone. I am very far from making them jealous, I did not mean their places should be given to others, but I was humbly of opinion, that whoever would come in a Volunteer to the Service should be accepted as far as he would go, and I am the more confirmed in the opinion, because those who call themselves whigs, if united, are the inferior numbers, and that they will not follow those who make themselves their Leaders, but yet may be united in the Queens service by her ministers, and yet at the same time they would make every one else desperate; nay to use the words of one of themselves, they have at present a great many, who never differed yet from them, and as to those who came unto them, some whereof have surrendered themselves and gave elections to them and laid themselves at their feet, and yet they will not be contented with them and every one who have helped to rescue them from the malice and rage of their adversaries; and to make them a majority, have been made sensible, that all that went for nothing, and they were told more than once or twice expressly, that they hoped in a little time to cast them off and do without them. I have with grief observed that the leaders (or zealots rather) of both parties are frequent even now in their reflections on the Queens ministers, I mean your Lordship and my Lord M. I cannot but apprehend danger from both sides in the extreme, and therefore am humbly of opinion to increase the number of those, who would devote themselves to the Queens and your service, would be the best, and I the rather mention this because so many have been lately obliged to pay their acknowledgements to, and real dependence, on other people; as to myself I have made all the application imaginable to those who would be thought the chiefs of their faction, and there is nothing I will not do for the Queens service and the support of her ministers; neither would I have troubled your Lordship with this long scribble, but that your Lordships indulgence has encouraged me to tell you the truth & what you may, when you please, have confirmed from the mouths of those of that very party who have no little interest in both houses<sup>22</sup>. And now I have said this, I believe your Lordship will be so just to me as to be assured I have no measures, nor will have any, but what shall be sub-

<sup>22</sup> Mr. Harley's political conduct was perfectly agreeable to the principles which he professes, and the advice which he proposes in this letter. His moderation and miscellaneous

connections promoted his views in aspiring at the office of prime minister; but soon disobliged his colleagues and weakened his authority, after he had arrived at that dignity.

mitted

mitted to the test of your better judgement, and that you will have the goodness to impute it to my zeal, when I cannot forbear saying that this ensuing session may be made very easy or difficult by either giving or sparing a few good words, without any further engagement, than to let those who are not stigmatized by any particular folly, know that they need not be desperate. I have now tired your Lordships patience with my impertinence, and will add nothing more than that having shot my bolt, there remains nothing further for me than to obey your commands. &c. &c.

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N° XVI.

LETTER from Mr. HARLEY to Lord GODOLPHIN.

Sept<sup>r</sup> 10<sup>th</sup> 1707.

As to the last paragraph of your Lordships letter, I crave leave most solemnly to profess to you, that I have made it my study to serve the Queen upon an honest principle, that I have no attachment to any other person in the world but your Lordship and the Duke of Marlborough. I know of no enemy I have, but such as either have expressed themselves with equal bitterness against both your Lordships upon many occasions, or are so to me because of my adherence to you. I am too well acquainted with the practices of a sort of people who wound those they don't like in the dark, and by whispers and secret misrepresentations would ruin the reputation of any one they do not fancy; I know your Lordship is too just to admit of any insinuations of that kind, and I am so little fond of standing in any ones way, that any endeavours of that sort give me no disquiet, because they depend upon your Lordships goodness to let me know when I am thought a burden to the service or uneasy to any one, and the least hint of that nature shall meet with a very ready compliance in me by a willing retreat<sup>23</sup>.

As to joining in measures, it has been my endeavour to give demonstrations that I have been very far from being pertinacious in my own opinion. I am not fond in giving it and am no ways concerned if it do not take. I had much rather be directed than not, and shall never be inquisitive to know any thing but how to do my duty. It has always been my temper to

<sup>23</sup> Mr. Harley, as appears from this letter, wished to lull their suspicions, and divert their had already fallen under the suspicion of the Whigs, but he was conscious, that he could not yet make good his independence; and he resentment till the queen was fully determined to change the ministry.

## APPENDIX, N° XVI.

go along with the company and not to give them uneasiness; if they should say Harrow on the Hill or by Maidenhead were the nearest way to Windsor I would go with them, and never dispute it if that would give content, and that I might not be forced to swear it was so. I am very sincere, and find in what I told your Lordships in my former letter upon this subject that I had been and would be entirely under your direction, and whatever is insinuated to the contrary I never have acted upon any other foot. I am satisfied to a demonstration there can be no other centre of union but the Queen, by the ministration of your Lordships and the Duke of Marlborough, and there the bulk of the nation will fix themselves if they may be suffered. All other expedients are very wretched things and will end but very ill, and I dread the thoughts of running from the extreme of one faction to another which is the natural consequence of party tyranny; and renders the government like a door which turns both ways upon its hinges, to let in each party as it grows triumphant; and in truth it is the real parent and nurse of our factions here. It is time to relieve your Lordships patience and beg pardon for this tedious letter, and with all to desire leave to assure your Lordship that you have not a more faithful servant, nor a truer or more zealous friend than myself to the utmost of my capacity. &c.

## N° XVII.

LETTER from Mr. HARLEY to Lord GODOLPHIN.

Sept' 17<sup>th</sup> 1707.

Hardwicke  
Papers.

I AM very sensible how much too far my zeal for the service hath carried me formerly to trouble your Lordship with tedious letters; I no more will offend in that kind. If you will please to add this fault to my other errors, for I cannot forbear just telling your Lordship how uneasy I am under the charge of doing any thing against your interest. I was provided against any other attack, but this which strikes me in a most sensible part is a fault, which both friends and enemies will acquit me of: However I must arm myself with patience, a little time will clear me from this aspersions, and I learn this, that it is no more in a mans power to devise the methods by which he is to be put out, than it is to foresee how he is to come in. I have done nothing, but it is a justice I owe to myself, to let your Lordship know I have told you nothing but truth; I scorn to deny any thing I have done, and if I had ever, directly or indirectly, by myself or any other, recommended

11

## APPENDIX, N° XVII—XIX.

those two persons<sup>24</sup> I am not so mean as to deny it which I most solemnly do.

I have no more to add but most hearty wishes for your Lordships prosperity and success you can never have a more sincere friend and servant tho' I am deemed now unprofitable and useless. &c. &c.

## N° XVIII.

LETTER from Mr. HARLEY to Lord GODOLPHIN.

Decr 5<sup>th</sup> 1707.

I HUMBLY beg that I may have leave to wait upon your Lordship this evening at your house at 8, having some account to give you which I think in duty to your service I ought to acquaint you with, and I should be very glad my Lord Duke of Marlborough were present. I hope your Lordship will this once pardon the trouble I give you. &c. &c.

Hardwicke  
Papers.

## N° XIX.

LETTER from Lord GODOLPHIN to Mr. HARLEY.

Decr 5<sup>th</sup> 1707 Friday evening.

I SHOULD be extremely sorry if I were capable of giving occasion to any body and much more to you to write me a letter in so very extraordinary a style as yours seems to me, however if you have any commands to me I will be at home between 8 and 9 this night to receive them, and send to the Duke of Marlborough to meet you there<sup>25</sup>.

Hardwicke  
Papers.

<sup>24</sup> The queen had resolved to bestow the bishopric of Exeter upon Dr. Blackwell, and that of Chester on Sir William Dawes. The ministers were dissatisfied with her choice, because, though both possessed great professional merit, their political principles were suspected. As Mr. Harley was known to have secret in-

terviews with the queen at this time, his recommendation was supposed to have influenced her opinion in the promotion depending.

<sup>25</sup> The irreparable breach between the Whigs and Mr. Harley, and the dismissal of the latter from the cabinet, quickly followed this interview.

## N° XX.

LETTER *from Mr. HARLEY.*

January 30<sup>th</sup> 1707-8.

Hardwicke  
Papers. **L**AST night Mr. Attorney acquainted me that I was fallen into your Lordships displeasure, he would not tell me any particulars. This I could not but receive with the utmost grief, and had it not been so late I had given your Lordship the trouble of a letter to desire leave to wait upon you to clear myself. This morning my Lord of Marlborough gave me permission to attend him upon a like occasion, and his grace was pleased to tell me the particulars. I know it is impossible to ward against misrepresentations or misconstructions, or the application of things said generally, to a particular purpose, which was never thought of; for I do solemnly protest, I never entertained the least thought derogating from your Lordship or prejudicial to your interest. I am confident in my own innocency, and I know no better way to clear myself than to desire your Lordship will let me by my actions demonstrate the sincerity of my intentions and my zeal and duty for your Lordships person and service. &c. &c.

## N° XXI.

*From Lord GODOLPHIN to Mr. HARLEY.*

Hardwicke  
Papers. **I**HAVE received your letter and am very sorry for what has happened, to lose the Good opinion I had so much inclination to have of you; but I cannot help seeing and hearing nor believing my senses. I am very far from having deserved it from you. God forgive you. &c. &c.

## N° XXII.

☞ The Duke of Buckingham, formerly Lord Mulgrave, was a friend to the revolution, but soon entered into opposition to the court, and continued in it through the reign of king William. He was distinguished for eloquence and force of argument. Burnet, vol. iv. p. 200. He headed the Tories in the enquiry concerning the partition treaty 1701, and opposed the nomination of the princess Sophia, in the bill for extending the protestant succession. Id. vol. v. p. 503—525. At the commencement of this reign he was made lord privy seal, and afterwards created duke of Buckingham; and dismissed with the tory ministers, (31<sup>st</sup> March 1705,) from which period he became a keen opposer of the court, till the change of the ministry in 1710, when he again came into place. Burnet, 1097. The following Letters are published on account of the distinguished character of the authors, and their reference to the state of parties, and the political debates at the period to which they refer.

LETTER *from the Duke of BUCKINGHAM to the Duke of SHREWSBURY.*

MY LORD,

Nov<sup>r</sup> 13<sup>th</sup> 1707.

**I**WAS very glad of receiving your favour so soon, and especially for finding in it no more complaints of your late indisposition, which therefore I hope is quite gone. I am sure the obscurity, you mention, can only be my fault, tho' committed by overcaution because of the post; and now to clear it in plain words, it was taken for granted at the beginning of the session, that the court and low church men were fallen out<sup>16</sup>; which was confirmed by none of the latter having taken the least notice of the Speech according to the accustomed compliments; and their putting the house sometime afterward upon a day for considering the state of the nation, in relation to so

<sup>16</sup> This probably alludes to the effects which were then expected from Mrs. Masham's intrigues.  
many

many mismanagements, both as to the navy and trade. But after the suitable expectation of such a debate, it ended without the least reflection on any body, much less of the ministry, unless from Lord Haversham alone<sup>27</sup>. There can be little doubt of what was presently furnished without doors concerning the reconciliation, or rather resettlement of the former union<sup>28</sup>, of the small lasting of which I gave you my opinion, and accordingly wished a firmer reconciliation between those of H. Church and L. Church, who desired only the public good as we did. And truly, if it were not too good a thing to be hoped for, yesterdays debate appeared like a beginning of it, by many good orders and addresses directed in the house upon the speeches of Several, without any opposition between Some, who are not wont of late to agree so well<sup>29</sup>. I have now erred too much on the other hand, being tedious in speaking plainly with one who may safely and will (I hope) use me as freely. I am

MY LORD

Your Graces faithful and obedient Servant  
BUCKINGHAM.

<sup>27</sup> Mr. Thomson had been a member of the house of commons, during the reigns of Charles II. and James II. and acted constantly in opposition to the court. He was one of the first that signed the association inviting the prince of Orange to come over into England. He was created Baron of Haversham, in one thousand six hundred and ninety-six, and made one of the lords of the admiralty, in which office he continued till the earl of Pembroke was made high admiral, March one thousand seven hundred and one; after which he warmly opposed the king's measures. At the beginning of this reign he wished to make his peace with the court, but not being immediately taken into office, or attended to as he thought he deserved, he devoted himself with vigilance and assiduity to impugn the measures of administration, and was sometimes alone, as in this case, in opposition. He printed and

circulated all his speeches, which were elaborate and virulent. Though he voted with the Tories in the case of Dr. Sacheverell, he does not appear to have been in their confidence, nor destined for any office in the new administration. He died on the first of November one thousand seven hundred and ten, regretted by neither party, for the Whigs hated him, and the Tories were apprehensive that he would carp at them as he had done before at their antagonists. Political State, vol. i. p. 21.

<sup>28</sup> Between the queen and the whig junto.

<sup>29</sup> When the queen's speech was considered, 12th November one thousand seven hundred and seven, the lords, as has been observed, instead of voting an address, immediately entered upon the subject of grievances. The earl of Wharton and lord Somers were on the same side with the duke of Buckingham and the earl of Rochester.

## N° XXIII.

✧ The following Letter is a Scroll in answer to the above, in the Duke of Shrewsbury's hand, but not signed.

MY LORD,

MY misfunderstanding your Letter proceeded in part from the caution you mentioned, but more from ignorance of what is transacted above; I have a great neighbour I see once or twice in a winter, he talks with some freedom with me, and I with him, otherwise I have little correspondence with any who give me any light into public affairs, and as little curiosity to know them, your Grace will believe I am ill enough entrusted<sup>30</sup>. I am very much inclined to think the reunion you mention will not be extreme lasting, and that nothing is more desirable for the good of the public, than that men of moderation should be employed, some of that character are already in places of the greatest importance, and it were well if there were more, I am sure I wish it, and should readily contribute to it, if I knew how, but confess I can't see how a man so retired as I, can be useful in bringing it about, without changing the whole course of my life, with which I am at present so perfectly well contented that I should be very unwilling to do it; I speak with great plainness and sincerity in this particular, as I do when I profess myself, &c.

## N° XXIV.

LETTER from the Duke of BUCKINGHAM to the Duke of SHREWSBURY.

MY LORD,

Dec. 1, 1707.

I received my thanks for your last favour before now, and if they might contribute to your health, I should not fail a post. But dull and useless as I am, a check upon myself is necessary, for fear of being troublesome; tho' I flatter myself with thinking inclination is not quite so much in danger of

<sup>30</sup> The duke of Shrewsbury was chagrined on account of his not being in the confidence of ministers.

being



being unwelcome in Old friends as in Old mistresses. At least the uncommonness of it now adays is enough to keep it from being undervalued: and therefore, after this preamble, I will take the liberty to mind you of our last discourse at our very last parting, when you offered the pains and care of any mediation between parties, if ever there appear'd as much opportunity as we both thought there was reason for such a mediation. Now I must own, believing so public a good likelier to proceed from the zeal and industry of the two most moderate men on both sides<sup>31</sup>, than from either the justice or the wisdom of so good a work, not to mention the very necessity of it to prevent the public ruin, which I am sure you foresee much better than I. I know one objection to this is obvious, that the union between the court and some others so lately resettled, will make those others slight any new friends: But 1st, that is supposing they would not be helped even by enemies for public good (which is inexcusable) and then besides, it would be imagining, that the present union can continue, between those who have all the power and others, who desire and expect it; which I conclude with every body else to be absolutely impossible.

If all this seems only a day dream, pray do me the justice to believe it proceeds from two things; one is an earnestness of being instrumental, at all, of any advantage to my country, and the other is a settled resolution not only against having any public employment, but also from a perfect assurance that it never can be either for my interest or honour<sup>32</sup>. I take this, to be very much your graces mind also; whoever is not of it being almost incapable for that part I propose for to act; and accordingly, I doubt it will not be easy for us to find many others so qualified, I mean as to disinterestedness which has occasioned these thoughts.

I am sure you will find nobody more sincerely than myself,

MY LORD,

Most obedient Humble Servant  
BUCKINGHAM.

The Dukes of Buckingham is your humble Servant, and we both desire your grace to present the Dukes of Shrewsbury with our humble Service.

<sup>31</sup> Meaning lord Somers and the duke of Shrewsbury. the office of lord steward of the household in 1710, when the Tories were restored, and was afterward ambassador at Paris, and lord lieutenant of Ireland.

<sup>32</sup> His grace did not long maintain the same resolution and opinion, for he accepted

## N° XXV.

LETTER from Mr. BOYLE to the Duke of MARLBOROUGH.

MY LORD

12th April 1709.

YOUR Graces letter of the 16<sup>th</sup>, which I had the honour to acknowledge, <sup>Townshend Papers.</sup> last Fridays post, was read on Sunday at the Cabinet Council, where mons<sup>r</sup> Buys politics of the dismembering the Spanish monarchy, and continuing the conferences with mons<sup>r</sup> Ruillè, were thought very disagreeable, and, at the same time, the difficulties, which the states have among themselves, of adjusting their own barrier are thought very unaccountable. It is pretty remarkable, that, while the states are grasping at such an extent of Country, so many strong Towns, and such large revenues for their own security, they seem more cool and negligent in taking care of their friends, and it is no wonder, in such a situation, that France is willing to gratify them in all points at the expence of the rest of the Allies.

As long as the negociations in Holland remain as they are, I suppose there will be applications to her majesty from every Prince, and State, concerned in the grand alliance, about their particular interest, which makes it more desirable and necessary, that the States should immediately agree with their principal Allies upon such preliminaries as are necessary for the foundation of a good and lasting peace, and then let the french know upon what terms they will treat. The account of mons<sup>r</sup> Roullie's new instructions from France, and the conferences upon them, will be impatiently expected by the next post. &c.

## N° XXVI.

LETTER from Mr. BOYLE to Lord TOWNSHEND.

MY LORD

15 July 1709.

I HAVE laid before the queen your Excellency's letter of the 19<sup>th</sup>, and her <sup>Townshend Papers.</sup> majesty thinks she had reason to expect that De Torcy's letter should not have been answered, till her majesty's thoughts upon it had been known, that so

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the sentiments both of England and Holland might have been expressed at the same time, upon so nice a subject, and of so much consequence; and her majesty was the more induced to hope for this deference from the States, since, as your Excellency may observe, she often advises with them upon matters of great concern, before she takes a final resolution. I must own to your Excellency, that her majesty would not have agreed to the pensionary's answer to De Torcy, because it shews too great a desire to treat with the French after their late usage of the Allies, and the little encouragement they now give in this letter, to expect more candour from them for the future, and it is most certain, that it is not the way to have a speedy and lasting peace, to let the enemy believe you stand in great need of it. Whenever the negotiations shall be renewed, it is most probable, that the greatest difficulty will consist in the security to be given for restoring the whole Spanish monarchy to the House of Austria, and particularly for evacuating Spain, in which case it will be necessary to insist among other things, that Cadiz, Alicant, Lerida Tortosa, Roses, Pampelona and Badajoz be immediately put into the hands of the allies, which for the most part is in the French King's power to do, and will be some mark of the sincerity of his intentions. It is by the direction of the Lords of the Cabinet Council, that I give your Excellency this hint, that you may make use of it when you see occasion.

## N° XXVII.

DR. Hare's letters to a tory member were considered by the friends of the ministers, as containing a full vindication of their conduct, and for establishing the allegation of the Whigs, that the failure of the peace was entirely owing to the insincerity of Lewis. A few short remarks upon the substance of these letters, may tend to corroborate the truth of the representation which I have adopted.

The time of Rouille's and Torcy's arrival in Holland is represented as a suspicious circumstance. They did not come there till the duke of Marlborough had left it, which was imputed to a design of taking advantage of the Dutch in his absence, by making proposals to which he would not have consented; and sowing dissensions among the allies. It may suffice to answer, that they came to Holland as soon as they were permitted. De Torcy  
expresses

expresses the utmost impatience for the duke of Marlborough's return to the Hague, because he knew that the Dutch would come to no conclusion till they had consulted him.

The concessions which the French agents made to the Dutch and English, and their demurring upon the demands of the emperor and the duke of Savoy, are mentioned as evidences of their insincerity. They attempted again by this means to divide the allies. True—but that does not impeach their sincerity in professing a desire for peace, nay, it was the most likely way to obtain it; for, if England and Holland had been satisfied, it would have been impossible for the emperor and the duke of Savoy to have continued the war.

The article, relative to the cession of Spain, it is asserted by this author, put Lewis to the test, and demonstrated his hypocrisy. Philip was entirely subject to the authority of his grandfather; why should the latter have hesitated about surrendering the towns as securities for a stipulation, which he could certainly perform if he chose? It will be readily granted, that Lewis was averse in his heart to the renunciation of the Spanish monarchy; and that he would have been well pleased, if Philip had been able to maintain his ground, and fight it out with the allies, after he himself had abandoned the field. But, suppose that he had no such secret will, it is far from being a clear point, that he could overrule the inclination of his grandson, and far less the opinions and prejudices of the council and grandees of Spain. They assuredly were determined to oppose the renunciation required of Philip; and, in what a critical situation must France have been, during the dispute, disarmed, denuded of her barrier towns on every side, and absolutely at the mercy of enemies, whose insolent and vindictive spirit knew no bounds of moderation. But to obviate the argument for Lewis's insincerity, deduced from his rejection of the 37th article, it is sufficient to observe, that as it would have been impossible for Philip, deprived of the succour of France, to have maintained his seat upon the throne of Spain, so the securities, demanded for his doing it, might justly be considered as an insidious scheme for encroaching still farther upon her dominions.

The notorious duplicity of Lewis, and the multiplied examples of his breach of former treaties, are urged as strong arguments for distrusting him, notwithstanding his solemn and repeated declarations of sincerity at the commencement, and during the continuance of the negotiations. This argument proves too much: Lewis never could be trusted, therefore no treaty for peace could ever have been entered into. His sincerity arose from necessity: he was in earnest, because his interest required him to be so. I may be afraid to come within the reach of the man, who has formerly committed

mitted violence upon my person, notwithstanding his soliciting my company by courteous invitations and kind professions; but if he is debilitated by natural infirmity, or bound in shackles, I have no reason for being afraid to approach his presence and to converse with him.

Preparations were carrying on in Spain for the war with greater activity than in any former campaign; nay, hostilities actually commenced there when the treaty was advancing. The allies never relaxed their preparations in any place, during the dependence of the treaty; and, if Philip attacked their army in Spain, it was necessary to frustrate their intention of attacking him afterwards to greater advantage with an augmented force.

With respect to what Dr. Hare further urges, in exculpation of the duke of Marlborough in particular, namely, that if the insisting upon the 37th article was wrong, the duke of Marlborough was not culpable for it, as it was known to all the world, that both houses of parliament had addressed the queen to make no peace with France, without an entire restitution of the Spanish monarchy. The refutation of this apology for the duke is involved in the answers to the two following questions: 1st, Who procured this address? was it not the whig junto, or the duke's friends, then in administration? 2dly, Was not the renunciation of the Spanish monarchy agreed to by Lewis, but rejected while the duke of Marlborough was upon the spot, and directed all the measures of the deputies, because Lewis would not consent to securities, palpably repugnant to nature, to his personal honour, and the safety of his kingdom?

### N° XXVIII.

✠ The following Letter from General STANHOPE to Mr. WALPOLE, while it contains a full account of the battle of Almanara, at the same time gives us an insight into that disagreement in opinion among the allied Generals, which injured the general cause in every quarter.

Walpole  
Papers.

DEAR SIR, Camp at Almanara 31 July 1710.  
THREE days after the date of my last to you, which went by Mr Craggs, our Succours joined us, upon which a Council being called, it was strenuously urged by the English, Dutch, and Palatines, to march immediately

diately to Lerida, in order to force the Enemies to a battle, by cutting them off from that place; but the King and Marshal Staremberg as strongly opposed, and shewed themselves determined not to venture any thing. Their pretence for not doing it was, that the Enemy's Army might get to Lerida, and pass the river before we could be up with them, which afterwards proved to be otherwise, since they did not get over the river by twelve hours so soon as was pretended they would. Our next thought was to cross the Segre at Balaguer, and push to get over the Noguera; to which purpose I was detached with Eight Squadrons of Dragoons, and a thousand Grenadiers, with which I marched at midnight, and took post at Alfaras, on the Arragon side of the Noguera, at 6 in the morning of the 27th. The Enemy had commanded Ten Squadrons of their Horse, a thousand Grenadiers, and seven battalions of foot, to prevent our taking post; but, notwithstanding they had much less way to march, the negligence of their commanding officer, the Duke of Larmo, made them come late, for we did not discover them till nine in the morning, and when they did discover us, instead of attacking us, they possessed themselves of Almanara, a village on the Noguera, about two miles from Alfaras, where we were. About noon, our left wing of horse passed the river, which I formed on a plain about cannon shot from the river, between which plain and the river, was a deep valley. By this time, the Enemy's horse came up apace, and formed before me about fifteen Squadrons, which I was going to attack, when the Marshal came up and prevented me, seeming still determined not to hazard any thing. Both Armies continued marching to get up, and about Six, all our Infantry had passed the river, and crossed the valley I mentioned, and got upon the high ground behind our horse. The Marshal was pressed several times to attack the Enemy's horse, which were before us, their foot marching at a great distance behind them, in the valley, where they could be of no use. About Six the Enemies having got up all their horse, marched several Squadrons down a little hill behind us, upon which we all cried out shame, and I did earnestly press the King that we might have leave to dislodge them, which was at last complied with, but not till Sun set. I therefore marched to them with the left wing, which consisted of Twenty two Squadrons, which were formed in two lines, and a Corps de reserve of four Squadrons, the ground we were drawn up in not allowing us to make a greater front. So soon as we began to move, the Enemies Squadrons, which had come down the rising mentioned, retired to their line. When we got up that rise with my first line, consisting but of ten Squadrons, we found the Enemy drawn up in two lines, the first of twenty two Squadrons, and the second of twenty, with two battalions of foot betwixt their lines, and a brigade of foot on their right. I was therefore forced, so soon as I came

came in preſence, to make a halt to get up ſome Squadrons from the ſecond line, the ground where the Enemies were being ſo much wider than that which I had marched from; beſides that getting up the hill had put our line in ſome diſorder. The Enemies were ſo good as to give us the time we wanted; we brought up ſix Squadrons, and put our line in good order; which conſiſted thus of ſixteen in all, ſix Engliſh, four Dutch, and ſix Palatines, M<sup>r</sup> Carpenter & I were on the left, M<sup>r</sup> Frankenburgh, the Palatine General, and Major General Pepper, on the right. So ſoon as we were thus formed, we attacked them, and by the Grace of God broke their two lines, which conſiſted of Forty two Squadrons; on the right, were their Garde du Corps, and other choice regiments, which did not do ill, but their left made no reſiſtance. I cannot ſufficiently commend the behaviour of all the troops engaged, which never halted till we had driven their horſe of the plain, beyond their Infantry which was in the valley, and if we had had two hours day light more, you may be aſſured that not one foot ſoldier of their Army could have eſcaped. The night gave them an opportunity to retire to Lerida, which they did in ſuch confuſion, that they threw away their tents, loſt good part of their baggage, ſome of their cannon, and have continued ever ſince encamped within, and about the glaciſ of Lerida, The Duke of Anjou and all his generals were in the action. &c. &c. &c.

This event will, I hope, ſufficiently juſtify the earneſtneſs with which I urged to come to a battle, ſince only ſixteen ſquadrons of ours have defeated the Enemies Cavalry, on which they principally relied. We can ſcarce expect to have ſuch another occaſion of ending the war as has been miſſed twice in three days; the firſt time in not marching to cut them off from Lerida, and the ſecond time, in not ſuffering us to attack ſome hours ſooner as we had preſſed to do, and ſhould have ſucceeded with leſs hazard, the Enemies being much ſtronger when we attacked them than they had been when we firſt propoſed it. &c. &c. &c.

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N° XXIX.

LETTER from General CARPENTER to Mr. WALPOLE.

SIR

Saragoza Aug<sup>r</sup> 20. 1710 N. S.

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Paper.

THOUGH you may imagine I have not at preſent much leiſure, yet I would not omit giving you a ſhort account of a complete victory we have this day got near the town, attacking the enemy in a poſt of advantage. Tho'

Tho' equal in foot, & very much ſuperior in horſe, many of the laſt got off, but their foot are all deſtroyed, & their colours taken, as alſo all their cannon, ammunition &c and very little loſs on our ſide; Moſt of the loſs was of her majeſty's horſe, yet no conſiderable officer killed, this buſineſs & that of Almanara is entirely owing to M<sup>r</sup> Stanhope, both for preſſing in council, & indeed forcing our march forward in order to action, & for the execution, his reſolution carried the day. All her majeſty's troops did well, & the officers; but no pen can do juſtice to M<sup>r</sup> Stanhope, having hecitored the court & Marſhal into theſe marches and actions, & then commanded himſelf the advanced body that paſſed the Cinga, as alſo the 16 Squadrons that beat the enemy that day, & now paſſed the Ebro with 2000 horſe and marched ſo near the enemy here, that the Marſhal could not avoid bringing up the army to him, which was abſolutely the occaſion of the battle, his march ſo near them was contrary to orders, being deſigned by the Marſhal to encamp at Burgo two hours hence, & then we could not have attacked them this day in their poſt, & the difficult ways to march to our place of forming, for tho' under Cannon ſhot all night we could not attack till noon. The king & Marſhal own the Queens troops got the day by the reſolution & conduct of M<sup>r</sup> Stanhope.

It is abſolutely neceſſary for the Queens ſervice & ending the war, that the Queens troops be kept up here by recruiting them fully, that M<sup>r</sup> Stanhope may ſpeak as boldly as he has done which has certainly got this ſucceſs.

I have not time to ſay more, only hope ſuch immediate meaſures may be taken for ſending theſe recruits, that they may be here before Chriſtmas, in order to be ſeaſoned for the country, ſo as to be effectually ſerviceable, for unleſs a general peace puts an end to the war, you cannot expect that the little army we have here can conquer ſo great a nation as Spain without a another Campaign.

I am Sir Your moſt humble & obed<sup>t</sup> Serv<sup>t</sup>

GEO: CARPENTER.

Major General Wade had  
a great ſhare in the ſuc-  
ceſs of this day.



## N° XXX.

The following Extracts shew the anxiety with which the court of England entered into the interests of the Duke of Savoy; and how much they were dissatisfied with the conduct of the Emperor in general.

THE hopes of an accomodation between the Emperor and the D. of Savoy seem to be removed to a greater distance than ever. That nothing may be left undone to procure the just satisfaction of an ally who has deserved so well of the Common cause, & to make good the Guarantee in which her majesty is, jointly with the States, engaged, the Queen has determined to renew, in the strongest & most pressing manner, her instances with the Emperor, for making effectual to the D. of Savoy the treaty of the 1703. Her majesty thinks that a time ought to be set to the court of Vienna, upon this occasion, to give their answer, in the hopes that the states will concur with her in these measures, & directs your excellency to concert with them what may be properly done to oblige the Emperor, in case of refusal, to Compliance. Letter from Mr. St. John to Lord Townshend, 31st October 1710. MSS.

AS to the Emperor, your Excellency will perceive by my last how little her majesty is satisfied with any part of his conduct. Upon the Disputes with Savoy, and upon all other matters relating to the Common cause, he must be pressed in another manner than he has hitherto been. Of this the Queen is sensible, of this we suppose the states are so too, & her majesty makes no doubt, but that your Excellency will be able to inform her how far they would be willing to concur with her, in obliging that court to alter a conduct, so little agreeable to what they owe to the Queen & the States, and so prejudicial to the Common cause. Letter from Mr. St. John to Lord Townshend, 3d November 1710. MSS.

HER majesty grows every day more sensible, that the whole turn of the affairs of the allies depends chiefly on the present negotiations at Vienna in respect to the disputes with the D. of Savoy. Letter from Mr. St. John to Lord Townshend, 13th February 1711. MSS.

Lord

Lord Townshend, almost in every letter, mentions his diligence in complying with the instructions he had received on these points.

IMPRESSED with a sense of her majestys anxiety to have all differences between the Emperor & the D. of Savoy terminated, I never have any discourse with Sinzendorff, without reminding him of what importance it is towards pressing France vigorously on all sides, to bring the differences between the D. of Savoy & Hungary to an end. Letter from Lord Townshend to Mr. St. John, 3d March 1711. MSS.

THE Grisons are so much dissatisfied with the delays of the imperial court in redressing their Grievances, & putting in execution the conditions made in the treaty 1707 for the passage of the allies through their country, that they have taken a resolution to shut up their passages, unless they have speedy satisfaction in regard to their complaints. The stopping of the passage of the troops to Italy would be a great prejudice to the interest of the allies. You are desired to press the matter on Count Sinzendorff, that the Imperial Court may apply a speedy remedy for satisfying the just demands of the Grisons, which her majesty is sorry to find is not yet complied with, after the many instances she has made both by Letters & by her ministers on that subject. Letter from Mr. St. John to Lord Townshend, 26th January 1711. MSS. The same instructions are repeated by Mr. St. John, 30th January 1711. In return he writes, that he had had a conversation with Sinzendorf about the Grisons, who had threatened not to permit the troops of the allies to pass through their dominions, till the Emperor fulfilled his engagements made to them by the treaty 1707; that Sinzendorf had promised fair, but he had little hope of success. Letter from Lord Townshend to Mr. St. John. Hague, 17th February 1711. MSS.

GERMAN brutality makes this country & all Italy at the disposal of those who can give them the prospect of any ease & deliverance. Letter from Lord Peterborough to ———. Venice, 12th January 1712. MSS.

AS to the command of the troops of the neutrality, no person is inclined to give it to the Prince royal of Prussia, because that court has so many pretensions, & is apt on all occasions to exert them. Count Wertherem, the Polish minister, has told me in confidence, that it would not be agreeable to his master, being apprehensive that his Prussian majesty might make use of such an opportunity to possess himself of some places to which he pretends a

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right & he particularly named Ellin. Letter from Lord Townshend to Mr. Boyle, 9th September 1710. MSS.

HE, (Lord Townshend) has declined accepting two Prussian battalions to serve as part of her majestys quota in the army destined to support the neutrality, because the more troops the King of Prussia has employed in this service, the better pretensions he will think he has to insist upon giving the command to his son, of which the Poles & Muscovites were very jealous, & are by no means inclined to make the prince royal their General. Letter from Lord Townshend to Mr. Boyle, 23d Sept. 1710. MSS.

THE Queen is very sorry to find herself tied down by promise to a proportion of 70,000 Crowns which the King of Prussia insists upon, for this as well as next year. Her majesty will not be very hasty in making good this article, but will reserve it as a douceur to soften this Prince in the disputes, which, according to custom, we must expect, before the end of winter to have with him. His resident Bonet put into my hands a few days ago a memorial upon the decision of the court of the province of Guelder in the suit depending for the province of Loo & Dieren. He presses her majesty to interest herself in this affair, & threatens, unless it be determined in his favour before the end of winter, to recall his troops & break them, for repeopling his country. Letter from Mr. St. John to the Duke of Marlborough and Lord Townshend, 22d December 1710. MSS. In answer to this letter, Lord Townshend writes that he had discoursed, as from himself, with some of the members of the states about the measures taken by the king of Prussia upon the decision of the Court of Guelders in the suit relating to the Lordship of Loo & Dieren, & of the ill effects his majesty's resentment might have in the Common cause, but found there were no hopes of the states being prevailed upon to interpose in that affair, it being a matter of private right, subject only to the laws & sentences of the courts where it had been tried, & the respective provinces being very tenacious of their privileges in such cases, the states General never interfere with the judiciary proceedings of any particular province, in cases of property. Letter from Lord Townshend to Mr. St. John. Hague, 19th January 1710. MSS.

I COULD not expect any other answer about the affair of Loo & Dieren than what your excellency writes on the 19<sup>th</sup>, nor do I see how the Queen can interpose with the states to influence judges in the decision of causes which concern private property, & belong to the determination of a particular province according to their ancient rights & privileges, but we must

must contrive to give Mon<sup>r</sup> Bonet as civil & softening an answer upon his memorial as we possibly can, & endeavour to mollify the violent humour of disaffection which the king of Prussia is wont to shew. And, in such an answer, your excellency will easily imagine that we must say, that the Queen will use her good offices with the states in that matter, & endeavour, by her instances, to induce them to make his prussian majesty easy as to these pretensions. Letter from Mr. St. John to Lord Townshend, 5th Jan. 1711. MSS.

THE king of Prussia is very impatient to have the disputes between him & the Prince of Frise, concerning the succession of the late king, terminated. If that difference is not determined, he has declared that he will let none of his recruits march for his forces which are in the service of the allies. This uneasiness of temper in that king ought to be softened as much as possible, & his inclination to be in a very ill humour, timely diverted. Letter from Mr. St. John to Lord Townshend, 16th February 1711. MS.

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N° XXXI.

LETTER from the Duke of MARLBOROUGH to Mr. Secretary  
Sr. JOHN.

SIR

Camp at Vergier 6th Augt 1711.

YOU will have seen by my former letters I have been for some time meditating the passage of the Enemies lines, 'twas with that view I marched from Cote to Rebrevue and Viler Brulin, to draw the Marshal Villars with all his Troops that way, while I was taking measures to pass on this side, having to that purpose left a good garrison at Doway & a detachment of Horse and foot with our Baggage, near Bethune. These with five Battalions I drew out of Little Tournay & St Amand, formed a Corps of twenty three Battalions & 17 Squadrons, who rendezvoused on Tuesday in the evening near Doway, under the command of General Hompesch, where M<sup>r</sup> Cadogan & Lieutenant General Marray likewise joined them: when it began to be dark, these Troops marched to Arleau, and passed at break of day without any opposition. The whole army marched likewise this way as soon as it was dark, and about nine in the morning, I joined our detachment

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Papers.

ment with the Horse of the left: the rest of the army followed, and, after marching 24 hours with great chearfulness, and without halting, were all passed last night & as they arrived drew up in order of Battle.

The Marshal de Villars soon took the alarm, and marched likewise with great diligence most part of the night, hoping to have prevented us. Almost as I got hither, he appeared with the head of his army, and immediately put a hundred Dragoons into the Castle of Oisy, a musket shot from the place, who were all made prisoners, & apprehending we were already too strong for him to attempt any thing with the Troops he had with him, he encamped at Marquion, where he has his quarters within half a league of part of our Camp, extending himself from thence towards Cambray, having a Rivulet and a Morass between us. He gave out he would attack us this morning, which made me defer writing till this afternoon,—I had the army drawn out to receive him, and it were to have been wished he had done it, since we are now stronger (by the detachments drawn from our garrisons & which must be soon sent back) than 'twill be possible for us to be any part of the remaining Campaign. But I suppose he must expect orders from Court before he can attempt any thing.—This surprize will be the more mortifying, since you may remember the Marshal, some time ago, assured the King he had taken such precautions for preserving his lines, & was so confident of his superiority, that he offered to send a third detachment to the upper Rhine if it was thought proper.

I dispatch this by Brigad' Sutton, by the way of Ostend, to give her Majesty the earliest account of our success, and must pray leave to refer you to him, you may be assured, nothing shall be left unattempted that may tend to improve this advantage. If the Enemy decline a Battle which, in that case, it will be impossible for us to give, I design to besiege Bouchain, in the mean time, this success must give a great reputation to Her Majestys arms in all parts. I am &c.

MARLBOROUGH.

## N° XXXII.

## LETTER from the Duke of MARLBOROUGH to Mr. Secretary ST. JOHN.

SIR

Camp before Bouchain 20th Aug: 1711.

By my last of the 17<sup>th</sup> I acquainted you we had carried our line of Circumvallation down to the Senet, whereby the Enemys communication with the Town was in a great measure cut off. They were still working hard in the morass & had made a large Parapet with Fascines guarded by 400 Granadiers, supported by the Brigade du Roi, and a little time after would have carried their work so far that it might have been difficult to have dispossessed them, therefore I ordered them to be attacked the next morning by 400 Grenadiers of ours supported by Eight Battalions. Our men waded a great way up to the middle in water, and receiving their fire by which we had only five or six men killed or wounded, they continued advancing towards them, whereupon the Enemy quitted their Works and retired, so that the Communication with the Town is entirely cut off,—We have since been using all possible diligence in bringing up our Artillery and Ammunition for the Siege, great part of which is already near at hand, and I hope in two or three days we shall be in such forwardness as to open our Trenches.

Finding a notion spread abroad that we omitted an opportunity of attacking the Enemy the day after we passed the Enemy's Lines, and which has, and always will be our principal view where it is practicable, I cannot but take notice to you, and pray you will lay before the Queen and my Lords the little grounds there is for these reports as well as the fallacy of the Paris Gazette of the 14th Instant, in the article from Cambray on this subject; and, that it might not make any false impression on peoples mind, should be glad some notice were taken of it in our Gazette at home. It is pretended a great rain hindered the two Armys from engaging the 6<sup>th</sup>. That we made use of the obscurity of the night to pass the Schelde, and that the Marshal de Villars sent the Comte de Broglie, to secure the Post of Denain; all which is so notoriously false, that we had not one drop of rain that whole day, tho' a great deal the night following.—We made our Bridges over the Schelde before noon, and at two in the afternoon the left wing of the army was on their march, and the greatest part of the whole passed

Hardwicke Papers.

passed before night; We immediately possessed ourselves of the Post of Denain with 300 men, where they have remained ever since without the least attempt to dislodge them. The day we passed the lines, Monsieur Villars appeared with the head of his Army behind the morafs of Marquion, where he encamped that night, and the next morning continuing his march towards Cambray in four Columns, being covered by that morafs, which begins at the village of Inchi, within a league and a half of Cambray, as his Troops passed this village, they formed to the right towards Cambray behind the villages of Sally and Rolencourts, and the hollow Roads and Precipices whereof that part of the Country is full, by which means his right flank was secured by the Town of Cambray, his center by those villages and hollow Roads, and his left by the morafs of Inchi—It not being practicable to attack him in this situation, we were obliged to hasten our passage of the Schelde to prevent the Enemy's doing it before us, which would entirely have defeated all the fruits we may hope to reap from the passage of the lines. I am &c.

MARLBOROUGH.

## N° XXXIII.

LETTER from the Duke of MARLBOROUGH to Lord OXFORD.

MY LORD

OCT. 19—1711.

Hardwicke  
Papers.

I HAVE had so many marks of your Lordships friendship, and have so sincerely endeavoured to deserve a continuance of it, that I apply myself to you in the tenderest part of it, and lay open my private griefs to you with the same freedom you allow me in what regards the public. There are two papers lately published on your side, and some copies are already got here, the title of one is Bouchain, and the other an answer to it<sup>33</sup>. I do not know whether

<sup>33</sup> After the change of the ministry, many scurrilous pamphlets were published against the duke of Marlborough. His military talents were disparaged, and the passing the lines of Arleux, one of the most brilliant exploits of his life, was principally imputed to general Hompefch. The siege of Bouchain was represented to have been purchased by the loss of sixteen thousand men, and after all, of no

more consequence to the allies than a pigeon-house. Several answers to these were published; and one, particularly, under the title of Bouchain, or a Dialogue between the Medley and the Examiner, which reflected on the character of the duke's antagonists, and most severely on that of lord Oxford. To this publication the duke alludes.

your

your Lordship looks into such papers, and I heartily wish they had been kept from me. I am sure you cannot hear of one without the other, and when I protest to you I am no way concerned in the former, I doubt not but you will have some feeling of what I suffer from the latter; as I have had all the reason in the world to be satisfied with every thing your Lordship has done in regard to myself, ever since I left you, and particularly your punctual remittances for the Troops. I have taken all occasions to make my satisfaction as publicly known, as all the officers of the Army can bear me witness, and it is so much the more mortifying to find myself and family treated in such a manner, when I had so much reason to hope the spirit from whence it proceeds was quite suppressed. I find it is insinuated that the provocation came from that side, and from the pen of one that has been long near me<sup>34</sup>; but upon examination he has so fully cleared himself that I am perfectly satisfied of his innocence, and nobody can wish more than I do that such writings could be suppressed, but if they can't be, it is very hard, that, when any body will use my name, I should be reviled in such a manner. The authors of these papers, as well the one as the other, are not only my enemies, they are your's too, my Lord; they are enemies to the Queen and poison to her subjects; and it would be worth the while to make a strict search after them, that the punishment they deserve may be inflicted upon them; but all the remedy, all the ease I can at present expect under this mortification, is that you, my Lord, would do me the justice to believe me in no way an abettor or encourager of what has given me a mortal wound; but I will endeavour to bear up under it, I have that consolation from you, and as every thing else I could desire from you has been hitherto granted before I could ask it, I flatter myself you will not deny me this satisfaction, no more than that of believing me ever with the greatest truth,

MY LORD,

Yours &amp;c.

MARLBOROUGH.

<sup>34</sup> He probably means Dr. Hare, who was his chaplain, and had written many pamphlets in his defence.



## N° XXXIV.

LETTER *from the Duke of MARLBOROUGH to Lord OXFORD.*

MY LORD

Hague Novem<sup>r</sup> 10. 1711.Hardwicke  
Papers.

THE friendly part your Lordship took in the grievance I lately laid before you<sup>35</sup>, gives me encouragement to have recourse once more to your Lordship, in a matter differing from the former in its Circumstances, but such as nevertheless gives me a very sensible concern. Upon my arrival here I had notice that my name was brought before the Commissioners of Accounts, possibly without any design to do me a prejudice: however to prevent any ill impression it might make, I have written a letter to those Gentlemen setting the matter in its true light, which M<sup>r</sup> Craggs will deliver, and when you have taken the pains to read the enclosed Copy<sup>36</sup>, I pray you will be so kind as to employ your good offices so as that it may be known I have the advantage of your friendship. No one knows better than your Lordship, the great use and expence of Intelligence, and no one can better explain it; and it is for that reason I take the liberty to add a further request, that you will be so kind as to lay the whole upon some fitting opportunity before the Queen; being very well persuaded, her majesty, who has so far approved and so well rewarded my services, would not be willing they should now be publicly reflected upon when it would be so unjust and cruel to me: You see My Lord I make no scruple to give you a little trouble, which to a temper like yours rather increases than diminishes the pleasure of doing a good office—I do therefore boldly claim the benefit of your friendship,

<sup>35</sup> In vindicating him from the calumnious aspersions of which he complains in his letter, 19th October.

<sup>36</sup> In his letter to the commissioners the duke affirms, that the emoluments he derived from the contracts for bread would alone have been inadequate to the expences he incurred on account of secret service, and that the two and a half per cent. deduced from the pay of the foreign troops in the English service, was also faithfully applied for the same purpose. There is no branch of the public expenditure more necessary and important, in the time of war, than that which is laid out upon secret service, but, from its nature, it

must be difficult, often impossible, to estimate its amount, and to decide concerning the disinterestedness and fidelity of individuals who have been intrusted with the disposal of it. If, however, success is to be admitted as a proof of disinterestedness and fidelity, and it is the only one we can have in such a case, the duke of Marlborough is fully entitled to the credit of these virtues. No commander was ever more successful in procuring intelligence of the enemy's motions and designs, and to this the unparalleled good fortune of the allies, in the course of the war, may, in a great measure, be ascribed.

and am so sanguine as to expect the good effects of it, which I shall make it my constant business to deserve. The endeavours of our enemies to destroy the good understanding between us will double mine to continue and improve it, & I now have the greater desire to be at home that I may explain to you what I cannot so well write

I am &amp;c.

MARLBOROUGH.

## N° XXXV.

*Substance of the Articles of the Treaty of Peace between GREAT BRITAIN and FRANCE.*

1, 2, 3, THERE shall be a sincere friendship between the two nations; that all discords and wars shall cease; and all offences and injuries be buried in oblivion.

4. The French king acknowledges the act limiting the succession to the kingdom of Great Britain; promises that no one besides the queen herself, and her successors, according to said limitation, shall ever by him or his heirs be reputed king of Great Britain; and will take all possible care that the person, who had taken upon him the title of king of Great Britain, shall not at any time hereafter return into the kingdom of France, or any of the dominions thereof.

5. The French king promises, in his own name and that of his successors, not to disturb her majesty, nor her successors in the protestant line; nor to give any kind of assistance to any other person who shall hereafter oppose the said succession.

6. The French king engages, for himself and his successors, to use all endeavours that the separation of the French and Spanish crowns shall forever remain unshaken and untouched.

7. A free use of navigation and commerce shall subsist between the two nations as formerly before the declaration of war.

8. The ordinary distribution of justice between the two nations to be revived according to the laws of each kingdom.

9. The French king promises to demolish the fortifications of Dunkirk within five months after the conclusion of the peace.

10. The most Christian king obliges himself to restore, to Great Britain, the bay and straits of Hudson, with the lands, seas, sea-coast, rivers, and places situated in the said bay or straits; with the fortresses there erected, with all the cannon, &c.; provided, that the subjects of France have liberty to remove themselves and their effects.

11. Satisfaction shall be given to the English company trading to Hudson's Bay, for all depredations of the French in time of peace: and satisfaction shall also be given to the French, for any damage done them by the British subjects in time of peace.

12. The island of St. Christopher's, Nova Scotia, or Acadie, Port Royal, or Anapolis Royal, with their lands and dependences, are entirely made over to Great Britain, in such ample manner, that the subjects of France shall be hereafter excluded from all kind of fishing in the said seas, bays, and other places on the coasts of Nova Scotia.

13. The island of Newfoundland with the adjacent islands shall belong of right wholly to Britain: but the subjects of France shall be allowed to catch fish, and dry them on the land, in that part only of the said island which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence running down by the western side, reaches as far as the place called Point Riche; but the French shall not fortify any place in Newfoundland, or erect any buildings there, or resort to the said island beyond the time necessary for fishing. The island called Cape Breton, and all others in the mouth of the river St. Lawrence, and in the gulf of that name, shall belong to the French.

14. The subjects of France are to be allowed a whole year to remove themselves and their effects from the places yielded to Great Britain; but those who choose to remain may enjoy the exercise of the Romish religion as far as the laws of Great Britain allow.

15. The French, inhabiting Canada, and other countries in America, shall give no disturbance to the five nations of Indians, subject to Britain, or to other natives of America, their friends; and the British subjects shall behave themselves peaceably towards the Americans who are subjects or friends of France; and there shall be a free intercourse of trade between the French and English, and the natives of those countries.

16. All letters of mart and reprisal are to be made void; the petition of the injured persons first to be shewn to the minister of either prince, &c.

17. The condition of the suspension of arms, about restoring of goods taken, to stand in force.

18. The subjects of either crown who do any thing contrary to this treaty shall be answerable, and the peace not to be interrupted.

19. In

19. In case of another war between the two nations, six months shall be allowed to each for selling or removing effects, and retiring out of either kingdom.

20. Just and reasonable satisfaction shall be given to the allies of Great Britain in those matters which they have a right to demand of France.

21. The state of religion shall be settled in the empire, conformably to the treaty of Westphalia.

22. Satisfaction shall be given to the family of Hamilton, the duke of Richmond, and Charles Douglas, as to their several demands in France.

23. Prisoners of each nation to be set at liberty.

24. The treaty between France and Portugal is confirmed, and her British majesty takes upon her the guarantee of the same.

25. The treaty between France and Savoy confirmed, and the queen of Great Britain to be guarantee of the same.

26. The king of Sweden, the duke of Tuscany, the republic of Genoa, and the duke of Parma, are included in this treaty.

27. The Hanse towns are also comprehended in this treaty, and are to enjoy their ancient advantages in point of trade.

28. All those shall be comprehended in this treaty, that are named by common consent in six months.

29. Ratifications to be exchanged in a month.

30. In witness whereof, &c. the ambassadors extraordinary and plenipotentiaries of the two princes set their hands and seals.

Dated 31st March }  
11th April } 1713.

Signed L. S. JOHN BRISTOL, L. P. S.  
L. S. STRAFFORD.  
L. S. HUXELLES.  
L. S. MESNAGER.

The emperor ordered his ministers to withdraw from Utrecht before the rest of the allies signed the treaty; but it was stipulated by the contracting powers, that he should be allowed to deliberate to the 1st of June, whether he would accede to it or not. A convention for the neutrality of Italy and the evacuation of Spain was executed 14th March, by her majesty's ministers, in behalf of the emperor, and by those of France and Spain, for their respective masters. Political State, vol. vii. p. 393—8. Her majesty struggled hard to obtain, by this convention, their ancient privileges to the Catalans,

4 O 2

but,

but, upon their refusing to transfer their allegiance from the emperor to king Philip, this article was left undetermined, reserving to her majesty a right to insist upon it when the emperor should treat of peace with Spain. Idem.

The plenipotentiaries of the four associated circles of Germany gave in a memorial to the British ministers, representing, that they had entered into the confederacy upon the invitation of king William, and had incurred great expence and endured many calamities in prosecution of the war; and yet they now heard, to their unspeakable grief, that a peace was to be concluded without any stipulation for indemnifying them, or securing their barrier in future. The ministers answered, that the evils of which they complained, were owing to the emperors having failed in his engagements to Britain during the war, and their own backwardness in not entering into the queen's measures for peace. Tindal, vol. ix. p. 462.

Some of the states of Italy were also constrained to submit to those usurpations of the emperor, from which they would have been extricated, had he acceded to the terms proposed in their behalf by the French and allied plenipotentiaries at Utrecht. Barre, tom. x. p. 686.

It was deeply regretted by the friends of the reformed religion, that all the endeavours of the queen, the states, and the king of Prussia, to meliorate the condition of the protestants in Germany, proved abortive. The several objects, pursued for this end during the negotiations, were, to obtain a repeal of some clauses in the fourth article of the treaty between the empire and France at Ryswick, which subverted the established rights of protestants in the palatinate; to obtain leave for the French refugees to return to their own country and resume their estates; and to procure a release of those, who had been sentenced to the galleys merely on account of their religion. The French plenipotentiaries first evaded, and afterwards gave an unfavourable answer with respect to the two last of these articles; they expressed their willingness to consent to the indulgence desired for the German protestants, but as the emperor did not come into the peace, the fourth clause in the treaty of Ryswick remained unaltered. It was unfortunate, that the sanguinary spirit of some of the English statutes, against the Roman catholics, afforded the French plenipotentiaries too specious a handle for retorting, upon those of England, the reproach of that severity of which the foreign protestants justly complained. None of the confederates entered more anxiously into this business than the king of Prussia; and, upon the approach

proach of his death, which happened before the conclusion of the treaty, <sup>22d Feb.</sup> he wrote a letter to the queen, requesting, in the most affectionate terms, her attention to the interest of the foreign protestants. History of the Treaty, p. 264. Tindal, vol. ix. p. 462.

Before exchanging the ratification of the treaties at Utrecht, a printed letter, in name of James III. was sent to all the ministers, containing his protestation against whatever had been transacted to the prejudice of his right. Political State, vol. v. p. 283. By a private agreement with Lewis, queen Anne engaged to pay 750,000 livres of dowry (31,250l.) to the widow of king James; and to remove every difficulty, it was agreed that the latter should sign simply *Marie Reigne*. Duclos, tom. i. p. 152.

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#### N° XXXVI.

☞ Perhaps there never was in the annals of political literature a book more universally read, or so much the subject of conversation, as the *Crisis*, a work believed by the public to be written by Sir Richard Steele. To prove that Sir Richard was not the author of that celebrated performance, the following Letter will not only evince how the world was at that time deceived, but discover the real author, and his motives for a temporary concealment of his name and profession.—The Letter is addressed to the late Lord MACCLESFIELD, then Lord Chancellor.

MY LORD,

June 6, 1716.

I AM partly encouraged by Mr. Solicitor General, but chiefly by your Lordship's known candour and humanity, humbly to lay my case before you, and to beg your Lordship's patronage.

When the memorial of the *Sieur Tugge*, relative to Dunkirk, was given gratis about the streets, one of them chanced to be put into my hands; it raised in me, on the first reading, a just indignation, when I found how

my

my country was intended to be imposed upon in the only article of a vile peace, that seemed to carry any value with it, and thereupon sent to Mr. Steele immediately, who *then* wrote a paper, called *The Guardian*, and shewing him the memorial, I fate down and wrote *with him* the *Guardian of Dunkirk*. After that, I wrote several of his papers, called the *Englishman*, relating to our constitution, which I thought openly invaded by the *then* ministry; and when I found the succession impudently attacked, not only by pamphlets and papers that came out weekly, but by a book in folio, of *Hereditary Right*, stuffed with quotations out of the *Harlean* library, and pompously published in the *Gazette*; I then thought it an honest office to attempt something that might prove an antidote to that intended poison.

After some thoughts spent thereon, I observed, that the mischiefs threatened, proceeded as well from an inattention in the common people to the obligations they lay under, both civil and religious, to the most illustrious house of *Hanover*, as from a forgetfulness of the dangers our religion, laws and liberties were exposed to, in the reign of the late K. James; and thereupon concluded, that to print the laws relating to the *abdication* of that king, and the subsequent settlements of the crown, with a proper introduction, and a well urged and forcible conclusion in so small a volume as to put it in the power of the meanest subject to be master of, would be the most effectual method to undeceive the common people.

This gave occasion to my writing the *Crists*, which appeared under the name of Mr. Steele; and had matters been carried to extremities against that gentleman, on account of that book, my fate would certainly have been more severe than his, for my profession as a lawyer would have been esteemed an aggravation of my crime by the *then* ministry, and consequently of my punishment.

On his majesty's accession to the throne, I flattered myself with the hopes of having some small ray of his royal favour shine upon me; and therefore addressed myself to the late Lord *Halifax*, desiring his Lordship to do me the honour of presenting me to the King; who, with a generous frankness, was pleased to say, he would first provide for me, and then present me to his Majesty: and but two days before the illness of which he died, his Lordship assured me he would, in a week's time, give me what would be pleasing to me—but his death prevented it.

I then addressed Count *Bothmar*, who was pleased to do me the honour to recommend me to my Lord *Townshend* and Mr. *Walpole*, who have both assured me of their favour; and Mr. *Walpole* several months ago told me I should be a Commissioner for the forfeited estates, and has often been pleased

to repeat the same thing to me, till lately, when he told me, they would be all members of the House of Commons. I thereupon desired that I might be named by him for *Register*, and he has been so good as to promise me his interest in it.

If it is not too great presumption, I would humbly beg your Lordship's joint interest with that of Mr. Solicitor-General in my favour; a kind word from your Lordship to Mr. *Walpole*, and my Lord *Townshend* cannot fail of success.

My business, for several years, has been wholly conveyancing in my chambers; and though it has in a manner rendered me unfit for the bar, I presume it will the better qualify me for that service, matters relating to the titles and estates seeming to be the chief business of that commission.

If I have no *active* merit in writing the above papers in defence of the Protestant succession in the most illustrious house of *Hanover*, I assure your Lordship I have a great deal of *passive*: for my being known to have written them, has turned very much to my detriment from the malice of the *Tories*, not only in the business of my profession, but in my other private affairs; upon which head I have taken some freedom with Mr. Solicitor-General; and I hope your Lordship, who appeared with the greatest fortitude at the head of those who were assertors of the succession in the most illustrious house of *Hanover* at a time of danger in the late reign, will think it hard for me, though a subaltern in the same glorious cause, to be a sufferer on that account in this.

I humbly beg a thousand pardons for this presumption; and that I may have the honour to be, my Lord, your Lordship's most humble, most obedient, and most devoted servant,

W. MOORE.

N. B. Any person doubtful of the authenticity of the above letter, or desirous of seeing the original, may be satisfied by applying to the printers of this Magazine.

The above Letter and the Note were published in the *St. James's Magazine*, in March 1774.



## N° XXXVII.

LETTER *from the Duke of MARLBOROUGH to Lord BOLINGBROKE.*

MY LORD

Antwerp Decr 4<sup>th</sup> 1712.

I AM got safe to this place, having avoided going to Bruges & Ghent. When I had the honor of seeing you last I then told you the disappointment of M<sup>r</sup> Cudagans Company would hinder my going to Italy this season. Your Lordship in then promising me your assistance in getting him leave makes me thus early to beg that you will give my humble duty to the Queen, and request that I may have this mark of her goodness towards me of giving him leave to be with me, which will be a great ease to me in my retirement, finding myself very much out of order. I have written to Lady Marlboro<sup>e</sup> to lose no time in coming to Aix la Chapelle, by which I shall have the advantage of one month of the Hot Baths, which are as I am told as good in this season as in any time of the year, and from thence I shall go into Germany, and in the Spring go to the Lake of Geneva, where I will take the best house I can get, in order to live as much retired as is possible.

It will be a pleasure if I may sometimes hear from you, particularly that you are so much master of your own actions, that I may depend upon being easy and quiet at Woodstock, which I recommend to your friendship and care, & at the same time assure you of my being with much truth and respect,

Yours &c.

MARLBOROUGH<sup>37</sup>.

<sup>37</sup> The duke of Marlborough left England in the end of Nov. 1712, and was soon followed by the duchess and the rest of his family. They resided mostly at Aix la chapelle, but made several visits to his principality at Mindelheim, and some principal towns in Germany, where he was received with great honour. Lord Onslow was sent over to the duke with the whig association in July 1714, which, as I have observed in the history, the duke refused to sign. It is probable, however, that the account which he re-

ceived from him concerning the state of parties, fixed the duke's resolution of returning to England, where he arrived the day before the queen's death, and the next day made a public entry into London, attended by some hundreds of the inhabitants of Southwark, with their member at their head. It has been conjectured, that the duke of Marlborough was invited to return to England by lord Bolingbroke, who, after his rupture with lord Oxford, made his court to the Whigs.

## N° XXXVIII.

LETTER *from Mr. HARLEY to Sir ROWLAND GWYNNE<sup>38</sup>.*

SIR,

November 21<sup>st</sup> 1710.

I HAVE received the honour of your letter, but of so long a date, that I fear my Silence will be condemn'd as a fault, which would be my misfortune, being very much obliged to you for the favorable opinion you are pleased to entertain of me.

I can assure you that the changes the Queen hath made in her ministry, are founded upon honest and truly English principles: and you will see, that those whom her Majesty hath thought fit to employ, will shew by their actions that they are very jealous in all respects to support the Alliance, to pursue the war with a view to obtain a sure and honourable peace, and effectually to secure the succession in the most serene house of Hanover.

These are principles that I know you approve, and I will never forfeit the good opinion you have of me, by neglecting to do every thing in my power that may contribute to these happy ends. I am with the greatest respect, SIR, &c.

R HARLEY.

LETTER *from Sir ROWLAND GWYNNE to ROBETHON.*

SIR

Hamburg Decr 10 1710.

I HAVE lately receiv'd a letter from M<sup>r</sup> Harley which I send you, that you may see upon what principles the new Ministry declare they will act, and I hope that they will keep up to them. If they do I think that those who wish well to England cannot desire more, but that they may appease the animosities, and unite us to consider our true interest.

I believe that they have got a House of Comons to their minde, but the question is whether they can govern them when they are met, and restrain them from unreasonable demands, yet the House of Lords will be a cheque upon them.

<sup>38</sup> The following letters shew, that though the court of Hanover had testified its disapprobation of the efficacious zeal of Sir Rowland, he was still understood to be in its confidence; and Mr. Harley applied to him as the fittest instrument to improve that court with favorable sentiments of his administration.

Mr Harley is certainly one of the chiefs in the present Ministry, and hath had a very great influence in the late change, but the tree is to be known by its fruit, and we ought to hope the best.

You may if you think fit shew Mr Harley's letter to his Electoral Highness, but I desire that you will return it to me.

I shall take it for a great favour if you will obtain an order, that I may have a couple of wild Swine to make merry with my friends at Christmas.

I am with perfect truth and respect SIR

Your most obedient and most faithful humble Servt

R GWYNNE.

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